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....REPORT....

OF THE

SECOND ANNUAL MEETING

OF THE

Maryland State Bar Association,

HELD AT

OCEAN CITY, MARYLAND,

July 28-29, 1897.

....EDITED BY....

CONWAY W. SAMS, Secretary,

OF THE BALTIMORE BAR.

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Printers and Engravers, Baltimore,
1897.

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MEMBERS REGISTERED

AT THE

SECOND ANNUAL MEETING.

Adkins, Wm. H.....Easton.
Armstrong, Alexander.....Hagerstown.
Brent, Robert F.....Baltimore.
Barnes, A. P.....Snow Hill.
Broening, Henry J.....Baltimore.
Bernard, Richard.....Baltimore.
Brantley, Wm. T.....Baltimore.
Campbell, Peter J.....Baltimore.
Duer, Robert F.....Princess Anne.
Ellegood, Jas. E.....Salisbury.
Finke, Chas. E.....Westminster.
Graham, Robert P.....Salisbury,
Gray, John B..... Prince Frederick.
Griffin, Edwin J. .....Baltimore.
Holland, Chas. S.....Salisbury.
Henning, David N.....Westminster.
Hayes, Thos. G.....Baltimore.
Hinkley, John.....Baltimore.
Hiskey, Thos. Foley.....Baltimore.
Houlton, Samuel C.....Baltimore.
Legg, J. H. C.....Centreville.
Lane, J. Clarence.....Hagerstown.
Lankford, H. Fillmore.....Princess Anne.
Lankford, Chas. P.....Crisfield.
Motter, John C.....Frederick.
McMaster, W. S... .....Princess Anne.
Martin, W. R.....Easton.
McSherry, James.....Frederick.
Mullin, Michael A.....Baltimore.

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MACKENZIE, GEORGE NORBURY.....Baltimore.
NILES, ALFRED S.....Baltimore.
PASCAULT, ALEXIS A.....Easton.
PURNELL, CLAYTON.....Frostburg.
PAGE, HENRY.....Princess Anne.
POE, JOHN P.....Baltimore.
PURNELL, GEORGE.....Snow Hill.
PURNELL, J. CLAYTON.....Snow Hill.
PHELPS, CHAS. E.....Baltimore.
PEARCE, JAS. A.....Chestertown.
ROBINSON, THOS. H.....Bel Air.
REQUARDT, J. FRED.....Baltimore.
ROBERTSON, ALEX. H.....Baltimore.
RILEY, ELIHU S.....Annapolis.
RHODES, FRANK V.....Baltimore.
SAMS, CONWAY W.....Baltimore.
SLOANE, DAVID W.....Cumberland.
SHARP, ALFRED LEE.....Easton.
STRITE, A. C.....Hagerstown.
SHARP, GEO. M.....Baltimore.
TIPPETT, RICHARD B.....Baltimore.
TULL, GORDON.....Princess Anne.
TIERNAN, CHAS. B.....Baltimore.
TAYLOR, CALVIN B.....Berlin.
TRUNDLE, W. BURNS.....Baltimore.
VICKERS, H. W.....Chestertown.
WILSON, GEO. W.....Easton.
WATERS, LEVIN L.....Princess Anne.
WATERS, HENRY G.....Princess Anne.
WHITELOCK, GEORGE.....Baltimore.
Number registered.....59 members.

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TRANSACTIONS

OF THE

SECOND ANNUAL MEETING

OF THE

Maryland State Bar Association,

HELD AT

OCEAN CITY, MARYLAND,

JULY 28-29, 1897.

OCEAN CITY, MD., *July 28th*, 1897.

The first session of the Second Annual Meeting of the Maryland State Bar Association was called to order by the President (Judge McSherry) in the chair, at 3 o'clock P. M., July 28th, 1897.

The President then delivered his Annual Address. (See Appendix.)

The President: The next business is report of the Committee on Admissions and Election of New Members.

Mr. Hinkley: The Committee on Admissions report in favor of the election of the following gentlemen as members of the Association:

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Members Recommended and Elected July 28th, 1897.

LEVIN L. WATERS.....Princess Anne.
JOSHUA W. MILES.....Princess Anne.
LOUIS D. SYESTER.....Hagerstown.
JAMES W. THOMAS.....Cumberland.
VINCENT SEBOLD.....Frederick.
WILLIAM H. BAYLISS.....Baltimore.
THOMAS B. MACKALL.....Baltimore.
PHILIP BARTLEY WATTS.....Baltimore.
HENRY J. BROENING.....Baltimore.
ROBERT F. BRENT.....Baltimore.
ALFRED S. NILES.....Baltimore.
FRANK V. RHODES.....Baltimore.
J. UPSHUR DENNIS.....Baltimore.
HUGO STEINER.....Baltimore.
MICHAEL A. MULLIN.....Baltimore.
EDWIN JEROME GRIFFIN.....Baltimore.
HENRY D. LONEY.....Baltimore.
PERCY C. HENNINGHAUSEN.....Baltimore.
JAMES W. DENNY.....Baltimore.
CHARLES E. SHANAHAN.....Baltimore.
CHARLES HERZOG.....Baltimore.
JOHN R. PATTISON.....Cambridge.
GEO. M. RUSSUM.....Denton.
FERDINAND WILLIAMS.....Cumberland.
WM. KEALHOFER.....Hagerstown.
LLOYD LOWNDES.....Cumberland.
GEO. R. WILLIS.....Baltimore.
CHAS. F. HARLEY.....Baltimore.
HARRY E. MANN.....Baltimore.
SAMUEL C. HOULTON.....Baltimore.
ROBERT F. DUER.....Somerset County.
JOHN D. URIE.....Chestertown.
LEVIN W. WICKES.....Chestertown.
WILLIAM W. BECK.....Chestertown.
WM. M. STAY.....Chestertown.
R. D. HYNSON.....Chestertown.
THOMAS W. SIMMONS.....Cambridge.
GEO. W. COVINGTON.....Princess Anne.
GORDON TULL.....Princess Anne.
W. S. MCMASTER.....Princess Anne.
HARRISON W. VICKERS.....Chestertown.
ALFRED L. THARP.....Easton.
JAS. H. COVINGTON.....Easton.

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Members Recommended by the Committee on Admissions, July 29th—Morning Session.

THOS. J. MORRIS.....Baltimore.
L. E. MCCOMAS.....Washington County.
WILLIAM A. FISHER..... .....Baltimore.
RICHARD B. TIPPETT.....Baltimore.
THOMAS IRELAND ELLIOTT.....Baltimore.
HENRY F. WINGERT.....Hagerstown.
PHILLIPS L. GOLDSBOROUGH.....Cambridge.

Members Recommended by the Committee on Admissions, July 29th—Afternoon Session.

CLAYLAND MULLIKIN .....Easton.
COLVIN B. TAYLOR.....Berlin.

Mr. Whitelock: I move that the Secretary cast the ballot of the Association for the admission of the gentlemen whose names have just been read.

The motion was seconded, and, on the question being put, was adopted, and the Secretary accordingly cast the ballot of the Association for the gentlemen favorably reported by the Committee on Admissions and they were declared duly elected members of the Association.

Mr. Hinkley: The Constitution provides that no one can join the Association unless a member of his Local Bar Association. There is now in the Constitution an exception in favor of the Judges of the Supreme Bench of Baltimore City, but by an oversight this exception does not cover the case of Federal Judges nor the Baltimore City Judge of the Court of Appeals; the Committee, therefore, recommends that Article IV of the Constitution be amended by striking out the words: "Members of the Supreme Bench of Baltimore City" and inserting in lieu thereof, "*State or Federal Judges.*"

The motion was seconded, and, on the question being put, it was decided in the affirmative and the amendment adopted.

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Mr. Poe: As germane to the matter which has been acted on, I would ask leave to suggest, in accordance with the provisions of Article XX of the Constitution, that the Executive Council be and they are hereby requested to consider and report at this Annual Meeting of the Maryland State Bar Association, the propriety of striking out the following clause: "No member of the Bar residing in a county or City where there is a Local Bar Association, shall become a member of this Association unless he shall also be a member of such Local Association."

I do not move that that be stricken out, but I move that the Executive Council be requested to take into consideration, and report upon the propriety of striking it out at this present meeting.

The motion was seconded, and, on the question being put, it was adopted.

The President: The next business in order is the report of the Secretary.

The Secretary: The report of the Secretary is very brief. Article XIV of the Constitution says that the Secretary shall keep a record, and conduct the correspondence of the Association, and perform the usual duties of such office. That, he has tried to do. It may be interesting in this connection to state that in 1896, counting those at the Blue Mountain House, the members of the Association reached a total of ninety-eight. We have elected during 1897 one hundred and three members, and counting those elected at this meeting, brings the total up to two hundred and forty-five members at the present time.

The Secretary had printed and bound five hundred copies of the Report of the First Annual Meeting of the Association, which contains the copy of the Constitution and By-Laws; most of these copies have been distributed.

There are a great many lawyers in the different counties to whom could be properly sent application blanks, that are mailed to the members at different times, by means of

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which we could largely increase our Association. To prepare for this Annual Meeting I have sent out, in round numbers, fifteen hundred letters, postal cards, and one thing and another, and if the members of the Bar throughout the State would just scatter their application blanks around among their fellow members, I feel confident that by next year, when the Third Annual Meeting is held, the membership of the Association ought to amount to at least five hundred.

On motion, the report of the Secretary was accepted.

The President: The next business in order is the report of the Treasurer.

The Treasurer read his report as follows:

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TREASURER'S REPORT.

DR. THE MARYLAND STATE BAR ASSOCIATION,

In account with GEORGE WHITELOCK, *Treasurer.* CR.

To Membership Dues for 1896 and 1897, as follows:

1896.			
Aug.	29.	Hon. James McSherry	$ 3 00
		Hon. A. Hunter Boyd	3 00
		Wm. P. Maulsby, Jr	3 00
		Geo. Y. Maynadier	3 00
Aug.	31.	Charles E. Fink	3 00
		Alexander Armstrong	3 00
		D. J. Blackiston	3 00
		C. A. Little	3 00
Sept.	1.	Wm. Viers Bouic, Jr	3 00
		James A. Pearce	3 00
"	4.	H. L. D. Stanford	3 00
		J. Clarence Lane	3 00
"	8.	Wm. T. Dickerson	3 00
		Wm. H. Talbott	3 00
		Baker Johnson	3 00
"	9.	Robert P. Graham	3 00
"	10.	George Forbes	3 00
"	21.	Wm. H. Adkins	3 00
"	22.	Stewart Brown	3 00
		John Hinkley	3 00
		Peter J. Campbell	3 00
"	23.	J. Edwin Webster	3 00
		Fred. F. McComas	3 00
		Wm. E. Walsh	3 00
		James E. Ellegood	3 00
		Norman B. Scott, Jr	3 00
		Robt. H. Gordon	3 00
		Clayton Purnell	3 00
		Benj. A. Richmond	3 00
		Henry J. Waters	3 00
		Clarence P. Lankford	3 00
		Henry Page	3 00
		Edw. S. Eichelberger	3 00
		John H. Mitchell	3 00
		Fred. R. Williams	3 00
		Willard G. Rouse	3 00

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Sept.	23.	Lawrason Riggs	$ 3 00
		Hope H. Barroll	3 00
		John S. Wirt	3 00
		Geo. W. Purnell	3 00
"	24.	Jas. A. C. Bond	3 00
		Chas. T. Reifsnider	3 00
		C. C. Magruder	3 00
		L. M. Haines	3 00
		L. A. Wilmer	3 00
		A. A. Doub	3 00
		J. M. T. Lawrence	3 00
"	25.	Wm. R. Martin	3 00
		Geo. W. Wilson	3 00
		M. L. Keedy	3 00
		E. Harvie Smith	3 00
"	26.	A. P. Barnes	3 00
		Reverdy Johnson	3 00
		Robt. R. Henderson	3 00
		Wm. J. Witzenbacher	3 00
"	28.	A. C. Strite	3 00
		W. C. Devecmon	3 00
		Madison B. Bordley	3 00
Oct.	2.	Geo. W. Smith, Jr	3 00
		Francis K. Carey	3 00
"	5.	Thos. H. Robinson	3 00
		Geo. E. Loweree	3 00
"	6.	Phil. W. Chew	3 00
"	12.	Hon. John P. Briscoe	3 00
"	13.	Danl. W. Doub	3 00
"	17.	John P. Poe	3 00
"	22.	T. Pling Fisher	3 00
"	24.	Ralph Robinson	3 00
"	25.	J. Franklin Bateman	3 00
"	30.	Conway W. Sams	3 00
Nov.	10.	Henry R. Lewis	3 00
"	25.	I. A. Watson	3 00
"	27.	Dewarren H. Reynolds	3 00
"	30.	John H. Young	3 00
Dec.	2.	Daniel W. Sloan	3 00
		Nicholas P. Bond	3 00
"	8.	Henry M. Clabaugh	3 00
"	14.	Thos. J. Keating, Jr	3 00
"	22.	Stevenson A. Williams	3 00
"	23.	William H. Dewesse	3 00

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Dec.	23.	Fred. R. Owens	$ 3 00
		Geo. Whitelock	3 00
"	26.	Saml. D. Schmucker	3 00
		Elihu S. Riley	3 00
		Jay Williams	3 00
"	28.	Hon. Henry Lloyd	3 00
		Hon. Chas. F. Holland	3 00
"	29.	Jas. J. Lindsay	3 00
		Thos. S. Hodson	3 00
"	30.	J. H. C. Legg	3 00
		David N. Henning	3 00
1897.			
Jan'y	4.	Alonzo D. Miles	3 00
		G. S. Hamill	3 00
		Jas. A. McHenry	3 00
"	7.	Alexander Robertson	3 00
		Buchanan Schley	3 00
"	12.	John B. Gray	3 00
		Jackson H. Ralston	3 00
"	13.	Moses R. Walter	3 00
		Howard P. Sadtler	3 00
		George Savage	3 00
		Jacob I. Cohen	3 00
"	14.	Adrian Hughes	3 00
		W. Burns Trundle	3 00
		Daniel L. Brinton	3 00
		Edward C. Eichelberger	3 00
		Hon. F. Stone	3 00
		Francis P. Stevens	3 00
		Edw. Guest Gibson	3 00
		Hon. Danl. Giraud Wright	3 00
		D. K. Este Fisher	3 00
		Richard K. Cross	3 00
		Edw. C. Carrington	3 00
		Charles B. Tiernan	3 00
		Charles W. Ross	3 00
		Skipwith Wilmer	3 00
		John C. Rose	3 00
		J. B. Wentz	3 00
		A. Morris Tyson	3 00
		A. Bernard Chancellor	3 00
		Walter I. Dawkins	3 00
"	15.	William H. Brune	3 00
		Adam Denmead	3 00

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Jan'y	15.	Frank Gosnell	$ 3 00
		R. D. Jones	3 00
		Thomas G. Hayes	3 00
		John F. Williams	3 00
		Clayton J. Purnell	3 00
		Hon. Chas. E. Phelps	3 00
		Hon. John J. Dobler	3 00
		Edward Duffy	3 00
		Charles D. Wagaman	3 00
		Hon. Henry Stockbridge	3 00
"	16.	A. Leo Knott	3 00
		James M. Ambler	3 00
		Hon. John A. Lynch	3 00
"	18.	Hon. J. Briscoe Bunting	3 00
		Wm. H. Hinks	3 00
		Thomas Foley Hiskey	3 00
		E. J. D. Cross	3 00
		Hon. Henry D. Harlan	3 00
		Emil Budnitz	3 00
"	19.	Thomas A. Whelan	3 00
		William H. Dawson	3 00
		Alexander Neill	3 00
"	20.	Edwin Warfield	3 00
		W. T. Brantly	3 00
		J. Packard, Jr	3 00
"	21.	Maurice E. Skinner	3 00
"	23.	C. Hopewell Warner	3 00
		J. Fred. Requardt	3 00
"	25.	David Stewart	3 00
"	26.	Richard Bernard	3 00
		Alfred D. Bernard	3 00
Feb.	1.	Martin Lehmayer	3 00
		C. H. Stanley	3 00
		Arthur Geo. Brown	3 00
"	16.	Fred. W. Brune	3 00
"	17.	Frank C. Norwood	3 00
Mar.	2.	C. A. E. Spamer	3 00
		G. L. Thomas	3 00
"	3.	James P. Gorter	3 00
		Edgar H. Gans	3 00
		A. deR. Sappington	3 00
"	4.	Charles M. Howard	3 00
"	5.	R. M. McSherry	3 00
		Glenn H. Worthington	3 00

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Mar.	5.	Geo. Norbury Mackenzie	$ 3 00
		Rufus W. Applegarth	3 00
		Frank L. Stoner	3 00
		Frederick W. Story	3 00
		William L. Marbury,	3 00
		Richard Laws Lee	3 00
		G. S. Hawkins	3 00
		Milton G. Urner	3 00
		William S. Wilson	3 00
		William F. Johnson	3 00
		Oliver D. Collins	3 00
"	11.	John C. Motter	3 00
		Benj. F. Reich	3 00
"	14.	John F. Gontrum	3 00
"	31.	D. Meredith Reese	3 00
April	1.	John S. Biddison	3 00
"	7.	R. R. Boarman	3 00
"	8.	Thomas S. Baer	3 00
June	8.	J. Roger McSherry	3 00
"	11.	Robert H. Smith	3 00
		Maurice Gregg	3 00
"	16.	John T. Mason, R	3 00
"	17.	W. Irving Cross	3 00
		Hon. David Fowler	3 00
		Wm. J. O'Brien, Jr	3 00
"	18.	C. H. Sadtler	3 00
"	21.	John B. Gray	3 00
		Jos. C. France	3 00
"	23.	J. W. Thomas	3 00
"	25.	John J. Donaldson	3 00
		Total amount Dues for 1896 and 1897, 197 members,	$591 00

DISBURSEMENTS FOR 1896 AND 1897.

1896.			
Sept.	21.	To mailing bills	$ 1 40
		" " receipts	1 72
Oct.	23.	" printing bill heads	2 25
Nov.	2.	" expressage to Geo. Y. Maynadier	25
"	4.	" " " Messrs. Bouic, Wirt and Richmond	75
		" printing circulars	8 50
"	10.	" expressage to Mr. C. C. Magruder	25
"	12.	" " " Mr. Jas. E. Ellegood	25

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Dec.	15.	To stamps	$ 46
"	23.	" printing	3 75
"	24.	" stamps	16
1897.			
Jan.	5.	" stamps	52
		" printing (Bridges & Co.)	12 75
"	8.	" expense of Executive Council meeting: traveling expenses $5.50, luncheon $30.60	36 10
"	9.	" typewriting	2 85
"	14.	" stamps	2 00
Feb.	4.	" telegram to Judge McSherry	25
"	26.	" bill of C. W. Sams, secretary	18 43
Mar.	2.	" " " " printing	97 25
"	16.	" expns. to Washington to see Justice White	2 50
April	5.	" large envelopes for mailing books	1 50
"	7.	" stamps	1 00
"	15.	" expense to Washington to see Solicitor-General Conrad	5 50
June	10.	" trunk	5 00
"	11.	" luncheon Exec. Committee, 2d meeting	13 55
"	17.	" expense John H. Mitchell, Esq., to Baltimore to attend Exec. Council meeting	3 88
		" same, Buchanan Schley, Esq	6 50
"	22.	" stamps	1 00
		Total amount of Disbursements	$ 230 32

Total amount Dues received for 1896 and 1897	$ 591 00
" " Disbursements for 1896 and 1897	230 32
Balance July 1st, 1897	$ 360 68

To Membership Dues for 1897 and 1898, as follows:

1897.			
July	9.	W. E. Walsh	$ 3 00
"	16.	Joshua W. Miles	3 00
"	17.	Hon. F. Stone	3 00
		Thos. W. Simmons	3 00
"	20.	J. H. Ralston	3 00
"	21.	William W. Beck	3 00
		Richard D. Hynson	3 00
		Levin W. Wickes	3 00

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July	21.	William M. Slay	3 00
		Harrison W. Vickers	3 00
"	24.	Hon. J. Briscoe Bunting	3 00
"	26.	Edward T. Jones	3 00
"	27.	Hon. Geo. M. Russum	3 00
		Charles F. Harley	3 00
	Total		$ 42 00

DISBURSEMENTS FOR 1897 AND 1898.

1897.			
July	13.	To Hanzsche & Co., printing	$ 3 50
		" C. W. Sams, stamps, etc. for Second Annual Meeting	28 00
		" Hanzsche & Co., printing	30 00
"	14.	" F. R. Williams, expense attending Executive Council meeting	3 46
"	19.	" Geo. Y. Maynadier, printing and mailing circulars in his Circuit	2 40
	Total		$ 67 36

On motion, the report of the Treasurer was accepted.

Mr. Hiskey: As that finishes the order of business for this session, and it is yet early, if any other business is ready I think it would be well to continue for a while.

Mr. Bond: We have gotten through with the programme for this session and I move that we take a recess.

The motion was seconded, and, on the question being put, it was decided in the affirmative and the Association thereupon took a recess until 7.30 o'clock P. M.

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EVENING SESSION.

The recess having expired the Association re-assembled at 7.30 o'clock P. M., the President (Judge McSherry) in the chair.

The President: The first business in order is the report of the Executive Council.

Mr. Sams: As Secretary of the Executive Council I make the following report on behalf of that body. The Executive Council held its first meeting in Baltimore soon after the adjournment of the session of the Association. The main work was the election of a number of members, amounting to ninety-six, and attending to the preliminary work of the Association, such as Treasurer's bond, etc. Another meeting was held June, 1897, when arrangements were made for the Second Annual Meeting of the Association; the programme was made out and sixteen members elected. That is about the entire work of the Executive Council during the year; simply attending to the formal business of the Association.

On motion, the report of the Executive Council was accepted.

The President: The next business in order is the report of the Committee on Legal Education.

Mr. Sharp, from that Committee, read the report. (See Appendix.)

Mr. Sams: I ask the indulgence of the Association for a moment to make a report from the Executive Council, which was not ready at the time when reports were called for from that Council. The Executive Council, to which was referred the resolution of Mr. Poe, suggesting the propriety of striking out the following words from Article IV of the Constitution—"No member of the Bar residing in a county or City where there is a Local Bar Association,

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shall become a member of this Association unless he shall also be a member of such Local Association"—reports that the said resolution has been carefully examined and the Council is unanimously of the opinion that no change should be made; but the following resolution is suggested, *viz:*

Resolved, That the Association extend an invitation to all the members of the Bar at Ocean City to be present at the meetings of the Association and the banquet.

The President: Action on that report will, under the order of business adopted, go over until all the reports are in. The next business in order is report of the Committtee on Grievances. There being no report from that Committee the next business is report of Committee on Legal Biography.

Mr. Riley read the report from the Committee on Legal Biography. (See Appendix.)

The President: The next business is report of any Special Committee. Any miscellaneous business?

Mr. Whitelock: Under the head of miscellaneous business, I have a resolution here which I would like to offer. My attention has been recently directed to the fact that Judges of the Appellate Courts of both New York and Pennsylvania, and Judges of the Federal Courts of Appeal, established under the Act of 1891, wear judicial gowns of office at the sittings of their respective tribunals. It has seemed to me, and to a number of other members of this Association to whom I have spoken on the subject, that it is quite appropriate that the Court of Appeals of Maryland, with its long history and its well maintained traditions, should be in line with the modern movement in this respect. I therefore beg leave to offer the following resolution.

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Resolved, That it is the sense of the Maryland State Bar Association that it is desirable for the Judges of the Court of Appeals to wear judicial gowns during the sittings of the Court,

And be it further Resolved, That the said Judges be and they are hereby respectfully requested, by such order as may be appropriate, to carry into effect the spirit of this resolution at and after the next convening of the Court.

The President: That resolution will be acted upon in its turn. The first business in order is the discussion of reports with which we have been favored this evening. The first report before you is that of the Executive Council and the question there presented is a resolution offered that the provisions of Article IV of the Constitution be not amended in the manner suggested by the resolution of Mr. Poe, but that an invitation be extended to all members of the Bar at Ocean City to attend the meetings of this Association and the banquet.

Mr. Broening moved the adoption of the report and resolution.

The motion being seconded, on the question being put, it was decided in the affirmative and the report and resolution of the Executive Council were adopted.

The President: The next business in order is the exceedingly admirable report of the Committee on Legal Education. What is your pleasure with regard to that? It is now open for discussion.

Mr. Whitelock: And amendment?

The President: Yes.

Mr. Whitelock: I would like to offer an amendment to the effect that the proposed Bill to be submitted to the Legislature provide for a three years' course of study instead of a two years' course.

Mr. Graham: Was there not a suggestion in the report of the Executive Council as to extending an invitation to the members of the Bar present at Ocean City?

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The President: That went through as a matter of course with the report and resolution. The question is now on the motion of Mr. Whitelock, which has been seconded, to amend Section 7 of the proposed Bill of the Committee on Legal Education, by striking out the word "two" and insert the word "*three*," making the term of study three years instead of two.

Mr. Hayes: I would like to ask the Committee whether that suggested amendment meets their approval.

Mr. Sharp: The Committee would be perfectly willing to accept that amendment. We thought that the proposed law might be considered such an innovation that we would not be too radical. The course of study since 1881 has been two years, but before that it was three years, but reduced by the Act of 1881 to two years. There is not a quorum of the Committee here, but I am sure I speak the sentiments of my colleagues when I say we would be glad to insert the word "three" instead of "two," if we thought public sentiment would sustain us. It may be interesting to note that of the seventy-two law schools in the country, twenty-two, I think, this year have a three years' course of study, and in those twenty-two schools about one-half of the students of the country are registered as students. In preparing this law we thought a certain deference was due to the present practice and, perhaps, if we retained the present course of study at two years and did not increase it, it was as much as the Association could hope to do for the present. At the same time we all of us thought three years was little enough, especially when it is remembered that it is not required in this State, as it is in Pennsylvania and New York and some other States, that young men shall pass a preliminary examination before they can commence the study of law. In New York, before anyone can enter on the study of law, he has to pass an examination about equivalent to the high school standard. In Pennsylvania he has to

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register. In some other States he has to pass a severe examination before he can enter on the study of law. That is not required in this State.

We thought we would not depart from the present standard, but that after the law was in operation and the commission got to work and the usefulness of the law was demonstrated, it would have to be amended in many particulars.

I am sure, as far as the sentiments of the Committee are concerned, if the Association thinks the public will sustain us in making it three years instead of two, they are favorable to this amendment and the Committee is willing to accept it.

Mr. Hiskey: There is one other suggestion I would like to make, and that it that your Committee be requested to include in the proposed Bill a penalty for persons holding themselves out as practitioners of the Law when they are not legally such. That is included, I happen to know, in the law relating to physicians. I also happen to know that several of the lately disbarred members of Baltimore City still have large signs out and still hold themselves out as practitioners of the Law. It seems to me appropriate to adopt some such provision in this law as is incorporated in the law with regard to physicians and I move the Committee be requested to add such a provision to the proposed law.

The President: There is a motion already before the Association, that of Mr. Whitlock, to make the course of study three years in lieu of two.

Mr. Ellegood: I believe the law school of Maryland has a three years' course but allows anyone to graduate in two years if qualified so to do. If we had the loose and easy methods that now prevail, I think the course ought to be three years, but where we are to have strict provisions as provided by this Bill, I think it might be left to the discretion of the Committee, and if a man is prepared at

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the end of two years to pass a satisfactory examination, I think he ought to be admitted.

The amendment of Mr. Whitelock was seconded, and, on the question being put, was adopted.

The President: The next amendment is that of Mr. Hiskey.

Mr. Mullin: Not only men who have been disbarred are practicing, but there are men holding themselves out as lawyers who were never admitted to any Bar. There is a man in jail now for obtaining money on false pretences, from an ignorant old man, who had his sign out under the shadow of the Court-house, as "Attorney-at-Law," and who had "Attorney-at-Law" printed on his letter heads and envelopes, who never was admitted to practice Law in this State, or anywhere else.

Mr. Poe: It would be very easy, of course, to add to the proposed Bill a section providing adequate penalties in such cases. As one of the Committee I would acquiesce in this suggestion, and I am sure the Chairman of the Committee will also.

The motion of Mr. Hiskey was seconded, and, on the question being put, was adopted.

Mr. Wirt: Ought we not to adopt the resolution contained in Mr. Sharp's report?

The President: That is part of the report.

Mr. Wirt: I move the adoption of the report and resolution.

Mr. Niles: Before the adoption of the report may I ask the Committee for information on the subject alluded to but not clear in my mind. It is in regard to preliminary examinations. It seems to me it would be a very important matter, and a perfectly easy matter, to weed out at the start, those who were not thought fit to enter on the

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study of the Law, but would be a more difficult matter after they have persued a course of study for two or three years. I presume from what the Chairman has said, that subject has been considered by the Committee; but I failed to notice, perhaps I overlooked it, anything in regard to registration, or any provision in regard to that matter. I would be glad if the Chairman of the Committee would explain to us his ideas on that subject.

Mr. Poe: The Bill contemplates the submission to the Court of Appeals of the matter for the prescribing of such rules and regulations touching examinations, as they may think proper. This Bill is simply the Bill; it contains very few words, but is very comprehensive, and the Court of Appeals, who are requested to frame those rules, can cover the whole subject.

Mr. Niles: I think they might be requested to consider that matter.

Mr. Whitelock: I do not know whether or not the proposed rules cover the present provision of the law in regard to members of the Bar coming from other places, to the effect that they may be admitted, on motion, upon the same terms as members of our Bar would be admitted to the Courts of the State from which these other lawyers come. Is there any provision in the proposed Bill in reference to the admission of lawyers for instance, for the trial of a particular case?

Mr. Poe: That section has not been affected.

Mr. Whitelock: Then as the whole section reads, they may be admitted to the Bar regularly, on motion?

Mr. Poe: Members of the Bar from other States.

Mr. Whitelock: Admitted for all purposes—not for the trial of a particular case? It occurs to me, and I say this cautiously, because I have given the subject no reflection,

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that there may be great danger in letting the other section stand in its present form. If you are going to set as high a standard, as you propose in other respects, by this new law, I suggest that it would be well for you to consider the propriety of altering the other section of the law, so that members of the Bar of other States may be admitted, on motion, for the trial of a particular case.

Mr. Poe: It is so difficult to discriminate. A distinguished member of the New York Bar, Mr. Carter, for instance, may come here to argue some case and be admitted to the Bar; when he comes again he would have to be admitted again under such a provision as is suggested. I think that the practical evil to be apprehended from a case of that kind is so small as not to call for a revision of the section which simply provides that we shall mete out to applicants from other States the same courtesy those other States apply to applicants from Maryland.

Mr. Whitelock: That does not quite seem to me to answer the difficulty. It would be an extremely simple thing for Mr. James C. Carter to be admitted a second time if he came here for the trial of a second case. I rather suspect that the revenue which he derives from the practice of law in New York City is such that there will be no inducement to him to locate in the State of Maryland. All I want to avoid is the bringing to this State of young men who are nominally lawyers and members of the Bar in other States but have not the qualifications we propose to exact under this new measure. It does not seem to me that what my distinguished friend has said is an answer to the suggested difficulty in the proposed law, therefore I offer an amendment as follows, *viz:*

Be it Resolved, That the Committee consider the amendment of the remaining section of the old law so as to guard against the admission here, under that section, of lawyers from other States who are not qualified to become members of the Bar of Maryland under the proposed new regulations.

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Mr. Rhodes: You are well aware of the fact that in Washington they have at least four law schools from which the members are admitted to the Bar, on diploma. You can see that where competition is so great, and where it is so close at home, we may suffer a great deal from that point. I, therefore, second the motion of Mr. Whitelock.

Mr. Sharp: Those sections of the Code which Mr. Whitelock referred to, were carefully considered by the Committee. In that connection we looked at all the State laws, and we found in all the States in which this important legislation has been adopted, the rule of admitting members of the Bars of other States was preserved. New York abolished that rule, as I understand, some years ago, but in the last Act providing for examiners, the old rule of admitting members of other Bars, on motion, was reinstated.

In framing this Bill, the Committee had in view, as I have already indicated, what was practical. We did not want to load the Bill up with too many ideas and multiply points of contention. We did not anticipate the very great sentiment here in favor of this proposed Bill; we thought perhaps there might be some contest here over it. We thought, also, there might be some objection to it in the Legislature. Therefore, we did not wish to multiply points of opposition, and we made the Bill as simple as possible, as Mr. Poe has already pointed out, leaving the matter of the course of study and everything entirely in the discretion of the Court of Appeals.

This matter of the admission of members of the Bar from other States, is regulated in other States in this way. It would be hardly practicable to ask a gentleman of the distinction of Mr. Carter, or Mr. Choate, or any gentleman who has passed extreme youth to undergo an examination; it would be humiliating.

It is generally provided in other States that members of the Bar who practice a certain number of years in the

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State from which they come shall be admitted, on motion. It varies from five to ten years. I think, on behalf of the Committee, we would have no objection to an amendment to take into consideration some plan to protect the State in the manner I have suggested.

Mr. Whitelock: That is the extent of my resolution.

Mr. Henderson: Would it not be possible, under that law as it now stands, under that section, for a student who could not take the strict examination provided by this proposed law, to go into another State where the examinations were not so strict and become a member of the Bar of that State and then return here and be admitted, on motion.

Our Circuit Court is about to adopt a rule that provides that where a member of the Bar from another State applies for admission, such admission shall simply be good for the particular case he is trying and not a general admission to practice in the State or county. If the Circuit Courts do not adopt some such rule as that, the object of our own law can be defeated by our own students who become members of Bars in other States and come back here to practice.

The question was then taken on Mr. Whitelock's resolution and it was adopted.

Mr. Applegarth: I should like to inquire of the Chairman of the Committee whether that section of the law providing that students of law schools are to be admitted without examination is repealed by that act or not?

Mr. Poe: It is proposed to be released.

Mr. Hayes: Does the contemplated law have within its scope anything to reach—

Mr. Bond: Us?

Mr. Hayes: Those who to-day are setting at disregard every element of propriety pertaining to the epics of the profession?

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The President: It does not.

Mr. Hayes: Is there any way by which there can be anything done by this Association to give impetus to a movement to present something like this? I tell you, gentlemen of the profession, it does occur to me that no lawyer, no man who loves his profession, and feels that it is a profession in which the warp and woof ought to be integrity, honor and good character, and read it without a blush. Here is a lawyer in Maryland admitted to all the rights and privileges of the distinguished President of this Association, if he were practicing at the Bar, sending out to the public an advertisement like this—I won't read his name—he ought to be sent to the penitentiary.

"Law office, residence and restaurant are connected and established at 43 West Street, opposite Calvert Street, Annapolis, Md., who is the first colored lawyer ever admitted to the Bar of Anne Arundel County, Md."

Now he gives some few dozen things which he does, this lawyer, this man, who stands as a member of this honorable profession, before you to-day. Here is the first thing he gives:

"Here the colored people and kind public can have all kinds of legal business promptly transacted. [Laughter.]

Where all kinds of good meals and lunches are served at all hours, cheap for cash. [Laughter.]

Will practice in all the Courts in Maryland, Virginia and in Washington, District of Columbia, also before the Committees of Congress and the Bureaus of the United States Executive Departments. [Laughter.]

All titles and conditions of property secured and estates settled, all legal and servicable advice given in all business transactions.

Also a Bureau of Employment is established here where many good servants are always for hire. [Laughter.]

Here hot coffee, milk, tea, chocolate and fresh milk, always ready." [Great laughter.]

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If the Association thinks it wise, I would simply suggest, in the way of a motion, that the Committee take under consideration this matter, in order to see if there can be any legislation had to reach that class of vile creatures who bring this honorable profession into such reproach by sending out such advertisements. I do not know whether it is practicable to reach these fellows after they once get into to the profession.

Mr. Mullin: Do you include the Maryland Bureau of Legal Consultation?

Mr. Hayes: The head of that is in jail. I make the motion I have suggested that a request of that character be submitted to the Committee having this matter in charge.

The motion was seconded, and, on the question being put, was adopted.

The President: The question now occurs on the adoption of the report of the Committee on Legal Education, together with the proposed Bill suggested by that Committee, as amended.

The question being put, the report of the Committee, together with the proposed Bill, as amended, was adopted.

The President: The next subject before you is the very exhaustive, admirable and complete report read to you by Mr. Riley from the Committee on Legal Biography.

Mr. Bond: I move the adoption of the report.

Mr. Williams: And I move a vote of thanks to Mr. Riley for his report.

The President: That is out of order. While we all feel exceedingly gratified by the admirable report submitted, we are precluded by the Constitution from passing any vote of thanks.

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Mr. Hayes: Is it not intended to preserve and print all these papers?

The President: Yes.

The motion of Mr. Bond to adopt the report was seconded, and on the question being put, it was carried in the affirmative, and the report was adopted.

The President: The next business in order is the resolution offered by Mr. Whitelock, under the head of miscellaneous business, that you shall convert the Court of Appeals into a parcel of old women by putting gowns on them.

Mr. Broening: No penalty is attached.

Mr. Hayes: It has been suggested to me that the motion of my brother Whitelock would be more efficacious and, perhaps, receive more favor by the State Bar Association, if it were amended, and I move that you insert after the concluding words "and wigs."

Mr. Mullin: Does the motion call for any particular color of gowns—the old General Court wore red gowns?

The President: You might put it red, white and blue gowns. The question is on Mr. Hayes' amendment to add the words, "and wigs."

Mr. Hayes: Will you allow me to speak to that amendment?

The President: Yes sir.

Mr. Hayes: I think you carry out the tradition of the gown horribly unless you attach the wig. Look at the Judiciary from whom we take it—the English Judiciary—they also wore the wig and you cannot follow their custom, as a matter of course, unless you have the wig.

Mr. Bond: That covers the question.

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Mr. Hayes: Certainly. The Supreme Court of the United States departs from that custom by not wearing wigs; but, I think, if we are going to ape the custom, we ought not to follow the United States in the matter but go back to the fountain-head.

The President: And wear powdered wigs?

Mr. Hayes: Yes sir.

Mr. Rhodes: Mr. Hayes is anxious to make angels of them right away.

Mr. Hayes: Yes, give them wings.

Mr. Bond: I would suggest when dealing with that proposition that the Chair appoint a committee to consider the subject. That proposition ought not to be acted on hastily, so I move that a committee be appointed by the Chair to consider the matter. I do not think we ought to deal with the question off hand; therefore, in all earnestness, I would suggest that the Chair appoint a committee to report to the next meeting of the Bar Association as to the propriety of adopting such a measure.

A Member: I move it be indefinitely postponed.

Mr. Hayes: I move that the whole matter be referred to the Committee on Grievances.

The President: I think that a very appropriate Committee. It should only apply to bald-headed people; they have a great grievance—

Mr. Whitelock: Would it be in order for the mover of this resolution to say a word about it?

The President: Yes.

Mr. Whitelock: I think I enjoy a jest as much as anybody in this room, and I am not disposed to have any personal feeling about this particular motion; but Mr.

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Chairman, I cannot quite believe that the Bar Association of the State of Maryland, can vote down a resolution of this kind in a spirit of ridicule. If the proposition now were, that the Judges of the Court of Appeals of Maryland should be requested to wear gowns, and no other Court in the United States of America were wearing them at present, I think the motion might be treated in a spirit of ridicule. But, gentlemen, this question was first presented in America under our present form of government, when the Supreme Court of the United States was established, under the Act of Congress of 1789, and I do not see why as the mover of this resolution I am ridiculous, when Chief Justice Jay and the entire Bench of Judges who went into office with him, voted to adopt the very apparel for the Judges of the Supreme Court of the United States which I now suggest for the Judges of the Court of Appeals of Maryland.

I have no personal feeling about it at all, but I do say that it is a subject entitled to serious treatment. The Court of Appeals of New York has acted on this matter and its Judges wear judicial gowns. The Supreme Court of Pennsylvania has likewise acted on it and its Judges wear the same apparel. Not only so, but so far has the movement progressed in our sister States, that even now, of their own motion, the Judges of the Courts of Common Pleas in the City of Philadelphia, have adopted the judicial gown.

Now, I say, hesitate before you send a motion like that to the Committee on Grievances. It is beneath the dignity of the Maryland State Bar Association, even though it be an infant of but twelve months. Give it something like a respectable consideration.

Mr. Chairman, before I offered this resolution I went to the members of this Association, as well as I could find them scattered about the hotel and asked their views upon the subject, and I heard but one protesting voice. The first persons to whom I spoke, were of course, the members

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of that High Court, the Court of Appeals, who happened to be present. All that I ask for the resolution, in view of the action taken on the same matter by the highest Courts in the country, including the Federal Courts, established under the Act of 1891, is dignified consideration.

I think the motion of Mr. Bond a highly proper one, that a committee be appointed to consider whether this matter is child's play, or whether it deserves the serious consideration of men who have grown old in the service of their profession.

Mr. Tiernan: I move to lay the matter on the table.

The President: There is a preceding motion that has not been acted upon.

Mr. Hayes: I withdraw the motion to refer it to the Committee on Grievances.

Mr. Bond: I made a motion that the Chair would appoint a committee to consider this proposition and report at the next meeting of the State Bar Association. I entirely agree with Mr. Whitelock that this is not a question to be dealt with off hand; it is a question that ought to be seriously considered. It is not a proposition that ought to strike the members of this Association, as ridiculous. There is more in it than that. Our judicial history is such as to impose upon the minds of this Association more than a casual consideration of it. Therefore, in all earnestness, I would suggest to this Association the propriety of referring it to a committee to be selected by the Chair—a committee composed of such men as can deal with it with reference to the judicial movement in this country. It is not a question, in view of the judicial movement on this subject in this country, which can be dealt with as a matter of sport, but it ought to be dealt with cautiously, thoughtfully and not hastily.

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I therefore renew my motion, that the Chair shall appoint a committee to report to this Association, after deliberate consideration, their recommendation.

It is a matter which ought not be disposed of in a moment.

Mr. Broening: The motion is to lay on the table or not to lay on the table.

Mr. Bond: I would suggest, Mr. President, that you appoint a member from each Judicial District of Maryland, with the Chief Judge as the head of that committee, and then it can be dealt with as it deserves, in the light of the judicial movement on the subject; the committee to report at the next meeting.

Mr. Ellegood: I agree with the member who offered the motion that the subject ought to be treated with respect; but I do not think it is important enough to appoint a special committee for. The administration of justice can go on as well without gowns as with them; therefore, I think the Court has a perfect right to adopt gowns or not—either white gowns, or red, white and blue gowns—therefore, I move the matter be referred to the Judges of the Court of Appeals themselves, to adopt or not to adopt gowns.

Mr. Bond: That is my understanding.

Mr. Ellegood: Leave it to the discretion of the Court of Appeals.

The President: The motion before the house is to lay the whole subject on the table.

Mr. Rhodes: Does not the original resolution simply suggest to the Court of Appeals the propriety of considering the subject of wearing gowns?

The President: The question is on the motion to lay the whole matter on the table.

The question being taken, it was decided in the negative.

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A division was called for.

A division being taken there were seventeen ayes and thirty-five noes.

The motion to lay on the table was lost.

The President: The vote now recurs to the motion of Mr. Ellegood.

Mr. Applegarth: The people of Maryland, in my opinion, are a plain and democratic people. They have never failed in respect to their Judiciary. In the whole history of Maryland, so far as I have read or observed, and I do not think it necessary that the Judges of the Court of Appeals be clothed in judicial robes. If we go to that extent, it would be very much more necessary that the Judges in our lower Courts should wear judicial robes, because in the Appellate Court the attendance mostly consists of lawyers, who try their cases before that Court and who have the greatest respect for the Judges of the Court of Appeals—

Mr. Bond: I rise to a point of order; he is not speaking to the subject.

The President: Mr. Applegarth is in order speaking to Mr. Ellegood's motion. The question recurs on Mr. Ellegood's motion to refer the whole matter to the Court of Appeals.

Mr. Rhodes: That is the original motion.

Mr. Ellegood: I do not think that is the original resolution.

The original resolution was again read.

Mr. Graham: I rise to a point of order. Mr. Ellegood's motion to refer it to the Court of Appeals is out of order because that resolution calls for the sense of the Bar Association, and we cannot get the sense of the Bar Association by referring it to the Court of Appeals.

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The President: I think the point of order is well taken.

Mr. Gray: The motion before the house can certainly do no harm and I raise no objection to that motion. There may be something more in it than appears on the surface. There may be a Mrs. Margaret Brent in it.

We do not want one person appearing in gowns and another person not appearing in gowns, and when the committee reports it will appear whether there is a Mrs. Margaret Brent hidden in it or not.

The President: The question occurs on Mr. Bond's motion.

On the question being put the motion was adopted.

The President: The only other business before the Association to-night is the appointment of a Committee on Nominations I have thought the subject over this afternoon and I appoint the following Committee on Nominations of Officers for this Association for the ensuing year, who will report to-morrow.

COMMITTEE ON NOMINATIONS:

DAVID M. SLOAN, *Chairman.*
JOHN HINKLEY.
JOHN B. GRAY.
ROBERT P. GRAHAM.
THOS. H. ROBINSON.
WILLIAM R. MARTIN.
J. A. C. BOND.
JOHN C. MOTTER.

Then, on motion, the Association adjourned until July 29th, at 10 o'clock A. M.

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SECOND DAY.

OCEAN CITY, MD., *July 29th*, 1897.

The hour of 10 o'clock having arrived the Association re-assembled, the President (Judge McSherry) in the chair.

The President: Gentlemen of the Bar Association, it affords me great pleasure to present to you Judge Phelps, who has been selected by the Executive Committee to deliver the Annual Address before this Association.

Judge Phelps then delivered the Annual Address. (See Appendix.)

There being no further business before the Association, on motion, a recess was taken until 3 o'clock P. M.

AFTERNOON SESSION.

The recess having expired the Association was called to order by the President (Judge McSherry) in the chair.

The President: The first business before the Association is the election of Officers, and the Association is now prepared to receive the report of the Committee on Nominations.

Judge Sloan: The Committee appointed to recommend Officers for this Association, for the ensuing year, beg leave to report that they met and selected officers, whom they unanimously recommend for the ensuing year. [See Appendix for list of officers.]

They present practically a new set of Officers, with one or two exceptions. They believed that the Officers should be selected from the members of the Association who take the trouble and the time to attend its sittings, and they

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have, therefore, dropped from the old list the names of many gentlemen they would like to have retained, but changed them because they were not present.

They recommend for President a gentleman who, really, is the father of this Association, Mr. Robert R. Henderson of Alleghany County. [Applause.]

Some two years ago a movement was made in the Alleghany Bar Association, looking to the establishment of a State Bar Association, but it was not at that time pressed. When Mr. Henderson was elected the President of that Association, he took the matter up and following out the instructions of the resolution, he appointed a committee, and while the committee worked faithfully, and honestly, it was working under the pressure and push of Mr. Henderson, and under his aid and supervision, and it is due to Mr. Henderson, we believe, and to Alleghany County, to present his name as President of this Association.

The Committee also recommended the Vice-Presidents for the ensuing year. [See Appendix for List.]

The Committee, imbibing somewhat the idea of Civil Service, believed that the gentlemen who have occupied the positions of Secretary and Treasurer, respectively, are entitled to re-nomination and re-election, and that the Association is entitled to their services for some time to come. They realize that much of the spirit of this Association is due to the Secretary, Mr. Conway W. Sams, and the Treasurer, Mr. Georgs Whitelock, and they, therefore, recommend their re-election. As members of the Executive Council the Committee presents the names of Hon. John P. Poe of Baltimore City, Thomas H. Robinson of Harford County, John S. Wirt of Cecil County, and John B. Gray of Calvert County.

The President: You have heard the report of the Committee; what is your pleasure with regard to it?

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Mr. Rhodes: I move the adoption of the report of the Committee, and that the officers named therein be elected.

The motion was seconded, and, on the question being put, it was adopted unanimously.

[See Appendix for list of Officers and Committees.]

The President: The next business in order is the appointment of delegates to the American Bar Association.

Mr. Hinkley: On behalf of the American Bar Association I would like to make the statement that under the rules of that Association, each State Bar Association is entitled to send three delegates, and it has been usual to have from twenty to twenty-five States represented. The delegates are entitled to all the privileges of membership and pay no dues—the delegates sent from State Bar Associations have all the privileges of membership to the meeting to which they are accredited.

In addition to that, I would say that at the meeting of the American Bar Association this year, which will be held at Cleveland, on August 25th, 26th and 27th, there will be on the evening previous, Tuesday the 24th, a conference of gentlemen interested in legal education. It is desirable, also, that we shall send delegates to that conference, who may or may not be the same gentlemen credited as delegates to the meeting of the Association proper.

Mr. Whitelock: I suggest that you appoint the same representatives to both meetings.

The President: I have considered that question, and after mature deliberation I have concluded to appoint three gentlemen who I think will represent the State of Maryland and its Bar most admirably, *viz:* Judge Page, Judge Sloane, and Ex-Attorney General John P. Poe.

Mr. Lane: I have a resolution to offer which, I think, will meet with the approval of the Association, simply

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suggesting to the Legislature the recognition, on the part of this Association, of the necessity of a thorough revision and reform of the Criminal Laws of the State. I understand from the Committee on Judicial Administration and Legal Reform that they have not any report to make to the Association, but they intend to give members of the Association the opportunity to submit to them, before the next meeting of the Legislature, any suggestion they may have, or any individual member of the Association may have, as to the need of legislation.

Mr. Purnell: It may be proper to state at this time that the Committee has considered, to a certain extent, this subject. Still, the Committee was not expected by the programme to make any report at this meeting of the Association; but the Committee held a meeting and concluded to make a report if it was deemed advisable. If it is proper just at this time, I will make that report. The Committee has not had an opportunity to consider this subject because the Committee was not appointed until after the meeting at the Blue Mountain House last year and the duties of that Committee were not laid down until a considerable time afterwards—at least it was not so informed, if the duties were laid down. If the Association will permit me I will read a short report.

The President: We will hear you with pleasure.

Mr. Purnell, as Chairman of the Committee then made the following report:

The Committee on Judicial Administration and Legal Reform, having been appointed after the first meeting of the Association, has had no meeting until this 28th day of July, 1897.

The Committee has had no opportunity to map out and distribute the work which is required of it under the Constitution, nor has it received any recommendations from members of the Association or others of "personal changes of the law."

The Committee has not "considering with such care as would make its report valuable," "amendments of the Law," nor has it

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"observed" the practical working of a judicial system throughout the State "with a view of recommending changes" therein.

The duties imposed upon this Committee are numerous and responsible. The members of the Committee present have informally discussed such matters as the desirability of a codification of our Criminal Law, and of such changes in equity proceedure as would lessen costs, but we are not prepared to make specific recommendations at this time.

We would suggest that members of the Association give notice to the Committee, by recommendation or suggestion in writing, not later than November 1st, 1897, of any changes in the law or in any judicial system which they may deem desirable, and that the Committee make a report at a special meeting of the Association, to be held in Baltimore City before the next session of the General Assembly, so that the next Legislature may have an opportunity to make such amendments of executing law as may be deemed desirable.

Respectfully, submitted,

GEORGE W. PURNELL, *Chairman.*

Mr. Williams: I propose that the Executive Committee be discharged and continued.

Mr. Robertson: That is inconsistent.

Mr. Graham: I move that the Chair appoint a Committee of Five to draft modifications of the Criminal Law of our State, and get the approval of the Executive Council, and submit that to the next general Assemblage.

The President: Make it eight, one for each circuit.

Mr. Graham: Make it eight then.

Mr. Lane: There is a Standing Committee appointed for this very purpose and I think the Committee has not indicated any disinclination to take the matter under their consideration. The Chairman has already stated to the Association that the Committee has the matter under consideration and intends to map out a certain course of proceedure. I do not think it necessary to have a Special Committee when there is a Standing Committee composed of gentlemen thoroughly capable of framing a law and

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presenting it to the Legislature. I only offered this resolution knowing there was no immediate action that could be taken by this Association in regard to the Criminal Laws of the State, because I think it is advisable to have, at least, an expression of opinion from the Association of the necessity of having some legislation on the subject of our Criminal Laws. I offered the resolution not for the purpose of interfering in any degree with the duties of the Committee already appointed, a Committee that has expressed itself as being willing to undertake this work, but simply for the purpose of getting an expression of opinion on the part of the Association of the necessity for a revision of the Criminal Law.

Mr. Robertson: Why not refer the matter to the Standing Committee?

The President: The old Committee is discharged; a new one will be appointed to-day.

Mr. Graham: Let it go to the new Committee and let them submit their findings to the Executive Council.

I move that the Committee that is to be appointed on Judicial Administration and Legal Reforms take up this matter and prepare a modification of the Criminal Law of this State—prepare a Bill that shall modify the Criminal Law, or amend in any way the Criminal Law of this State, or do whatever they may think proper, and submit their action to the Executive Council for its approval and with that approval submit it to the Legislature for enactment.

The motion was seconded, and on the question being put, it was decided in the affirmative.

Mr. Wilmer: I move to amend the report of the Committee and to strike out "meeting of the Association" and insert the words "*Executive Council.*"

The President: The motion just adopted was offered as an amendment to the report.

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Mr. Wilmer: Did you mean it in that way?

Mr. Graham: Yes.

Judge Sloan: Under the head of new business, although it is rather a matter that is within the province of the Executive Council, I simply want to commend to the attention of the Executive Council, the facilities we have up in the mountains, beyond Alleghany county this time, for the next Annual Meeting of the Association.

Last year we enjoyed the mountains of Washington county, and this year we have enjoyed the breezes of the seashore. It is, perhaps, well to alternate. I know that it does a countryman some good to come down here and get a little of the freshness taken out of him by the sea breezes; and it might not be bad for an Eastern Shoreman to go to the mountains and get some of the saltiness taken out of him.

On behalf of Western Maryland I extend an invitation to the Association and request the Council to consider the mountain resorts of Deer Park, Oakland, or Mountain Lake, as they see fit, and if possible to let the next Annual Meeting be on the mountain.

Mr. Williams: I propose that the next meeting be held at Deer Park.

The President: We have nothing to do with that.

Mr. Niles: Before the Association adjourns, I would like to ask for a little information. It was my understanding that the papers read here were to be published in book form. I have the proceedings of the Pennsylvania Bar Association where all the papers read, as well as all the proceedings were published. I have heard it suggested that the funds were short and these papers and proceedings perhaps could not be printed. I think it would be a serious misfortune if that was not done. I would like to be informed about that now. I think many of us would like to know now whether there is any doubt about these

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addresses, which we have listened to with so much pleasure, being published. If there is any doubt about it I think we ought to take steps now to insure their publication. I would like to hear from the proper authorities on this subject.

Mr. Sams: Article V of the By-Laws reads as follows:

"All papers read before the Association shall be lodged with the Secretary. The Annual Address of the President, the reports of Committees and all proceedings at the Annual Meeting shall be printed; but no other address made or paper read shall be printed, except by order of the Executive Council. The Executive Council, as a Committee on Publication, shall meet within one month after each Annual Meeting at such time and place as its Chairman shall appoint, to perform the above duties."

Mr. Niles: Are there funds in hand sufficient?

Mr. Sams: The Treasurer can answer that.

Mr. Hayes: The question suggested by Mr. Niles I had under consideration with some of the members of the Association, and we thought that perhaps it would be well for some affirmative expression on the part of the Association to be taken, with respect to the desire of the members to have the addresses and reports, as well as the proceedings of this Association printed in full. We were aware of the provision in the Constitution that directed the Executive Council to perform that duty, but we feared this might occur—that when the Executive Council came to perform that part of the duty, or to consider the matter of its performance, they might find they had no money. In order to obviate any difficulty that might occur I had prepared a draft of a resolution, in which there is a provision made for any deficiency in the funds, if there should be any, for a small assessment on the members. I will read the resolution:

Resolved, That in case there should be a deficiency in the funds of the Association, the Executive Council shall have the

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power to lay an assessment on the members sufficient to publish the addresses delivered before the Association at the Second Annual Meeting.

The President: You have heard the motion of Mr. Hayes, what shall be done with it?

The motion was seconded, and, on the question being put, it was adopted.

Mr. Tippett: It seems to me that this meeting has already borne good fruit. It seems to me that the work set forth in the Constitution, as the primary work of the State Bar Association, is going to work a revolution—both in the criminal and civil proceedure of our courts.

Inasmuch as the President's report has already been practically acted upon—or rather I should say the President's Address has been practically acted upon—by a Bill being already drafted by Mr. Sharp, which has been presented here, and, I understand, will be presented to the Legislature, and upon which, I have no doubt, the Legislature will act, with reference to the education of the members of the Bar hereafter, and as to their fitness and qualifications to be admitted to the Courts of this State—I think there are certain subjects expressed in the address of Judge Phelps that are of such primary importance and of such vital importance, that they should receive recognition at the hands of this Association, and that address of his should be referred to the Committee on Judicial Administration and Legal Reform, in order that the suggestions contained in his report can be framed in a Bill. There are many things suggested there we ought to have a change of legislation on. It seems to me his address ought to be referred to this Committee, with instructions to that Committee to frame whatever bills are necessary for the next Legislature to act upon.

It has been suggested in his address, and it is a well-known fact, that in Baltimore City the very cream of our manhood is exempted from jury service, both Petit and

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Grand Jury services. A man purchases, for the sum of ten dollars, the right to be exempt from jury duty, and the very cream of our manhood in Baltimore City is exempt by reason of that fact.

We often know, we often see, it is a matter of every day experience with every lawyer in Baltimore City, that we do not have the jury there that, in many cases, measures up to the intelligence and standing of the juries in the counties, simply because business men, wrapped up in their own affairs, do not want to give their time to the public service.

I think there are a great many things in that address which ought to be referred—in fact the whole address ought to be referred to this Committee for the purpose of drafting proper bills and presenting them to the Legislature.

I do not know whether any legislation could be had on the question of Lynch Law, but I say the key-note ought to be sounded by this Bar Association to-day—every lawyer in the State of Maryland, every judge in all the Circuits ought to let the people, and this rabble that do the lynching—ought to let the whole people understand that from this time forth that they will stand as a solid phalanx, and protect the law, the majesty of the law, and protect the courts against the insults of Lynch Law which have been perpetrated throughout this State, especially in the lower counties.

I say we to-day should sound the key-note that every man who has not got the respect that the law should have from him will understand from this time forth that this Bar Association, with its combined effort, will endeavor hereafter to bring to justice any mob, or any set of men, who attempt to thwart the law or disgrace our courts, or disgrace the decent citizens throughout the State by attempting to take the law into their own hands and executing criminals, who are held for trial, and in many cases awaiting execution.

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The President: What is the motion of the gentleman?

Mr. Tippett: My motion is that the address be referred to the Committee on Judicial Administration and Legal Reform.

The motion was seconded, and, on the question being put, it was decided in the affirmative.

Mr. Henderson: Before the meeting adjourns I desire to second Judge Sloan's invitation for the Association to meet in Western Maryland next time, and more especially to express our appreciation to the members of the Bar of Worcester county and the Eastern Shore for the kind and pleasant and hospitable reception given us and for the pleasant time we have had here, and to express the hope that they will show their interest in the Association by coming to the next meeting, whether in western Maryland or elsewhere.

Mr. Ellegood: Last year the lowlands met the highlands, not exactly in battle array but in peaceful and harmonious assemblage, and in the classic language of Cæsar, a little revised—I came, I saw and was conquered.

On that occasion as I stood on the veranda of the hotel and looked out on that beautiful broad expanse, beautiful in all its verdure, typical to me of the garden of Eden, I thought how appropriate a thing it would be for that Association to assemble in the city by the sea. And I am glad to see that the Association has met here, and I believe, in the language of my brother, you have met with a cordial Eastern Shore reception. We claim for ourselves not much of this world's goods, but we claim to have some of the milk of human kindness and some old fashioned Eastern Shore hospitality. If it shall please this Association to meet by the rolling deep again next year, I am sure you will receive a hearty welcome and a cordial reception. The only objection—and I will raise none—to going to Deer Park would be simply this—the Eastern Shore lawyers are very poor.

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The President: You get mountain dew up there.

Mr. Ellegood: That sometimes makes a man rich, but only temporarily so; I think the last stage of that man is worse than the first.

The President: That depends on the man.

Mr. Ellegood: It depends on something else; it depends on the character and nature of the mountain dew, doubtless. However, if it shall please the Executive Committee to make the next meeting at Deer Park—having myself dwelt among the mountains as well as on the seashore, I can say for the people of Alleghany county that you will receive a welcome reception there—and I think the Eastern Shore lawyer will deny himself a few of the necessaries of life and try to be on hand on that occasion.

The President: That matter is altogether with the Committee. I think there is no further business before the Association.

Mr. Poe: I move that we adjourn.

The motion being seconded, and the question being put, it was decided in the affirmative, and the Association thereupon adjourned, *sine die.*

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APPENDIX.

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FORMER PRESIDENT.

JAMES McSHERRY,

Frederick.

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Officers and Standing Committees,

FOR 1897-1898.

OFFICERS.

PRESIDENT:

ROBERT R. HENDERSON,
Alleghany.

VICE-PRESIDENTS:

First Judicial Circuit.	GEORGE W. PURNELL, *Worcester.*
Second Judicial Circuit.	H. W. VICKERS, *Kent.*
Third Judicial Circuit.	FREDERIC R. WILLIAMS, *Harford.*
Fourth Judicial Circuit.	J. CLARENCE LANE, *Washington.*
Fifth Judicial Circuit.	DAVID N. HENNING, *Carroll.*
Sixth Judicial Circuit.	JOHN C. MOTTER, *Frederick.*
Seventh Judicial Circuit.	L. ALLISON WILMER, *Charles.*
Eighth Judicial Circuit.	CHARLES E. PHELPS, *Baltimore.*
Eighth Judicial Circuit.	THOMAS G. HAYES, *Baltimore.*

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SECRETARY:

CONWAY W. SAMS,

31 Bank of Baltimore Building, Baltimore.

TREASURER:

GEORGE WHITELOCK,

Fidelity Building, Baltimore.

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COMMITTEES.

COMMITTEE ON GRIEVANCES.

JAMES A. PEARCE,	Second Circuit.
ALFRED S. NILES,	Eighth Circuit.
MICHAEL A. MULLIN,	Eighth Circuit.
A. P. BARNES,	First Circuit.
RICHARD DALLAM,	Third Circuit.
GILMOR S. HAMILL,	Fourth Circuit.
DAVID N. HENNING,	Fifth Circuit.
JOHN B. GRAY,	Seventh Circuit.
W. VIERS BOUIC, Jr.	Sixth Circuit.

COMMITTEE ON LEGAL EDUCATION.

GEORGE M. SHARP,	Eighth Circuit.
WILLIAM T. BRANTLEY,	Eighth Circuit.
GEORGE W. PURNELL,	First Circuit.
WILLIAM R. MARTIN,	Second Circuit.
J. EDWIN WEBSTER,	Third Circuit.
J. CLARENCE LANE,	Fourth Circuit.
H. M. CLABAUGH,	Fifth Circuit.
J. C. MOTTER,	Sixth Circuit.
C. C. MAGRUDER,	Seventh Circuit.

COMMITTEE ON JUDICIAL ADMINISTRATION AND LEGAL REFORM.

JOHN P. POE,	Eighth Circuit.
SAMUEL D. SCHMUCKER,	Eighth Circuit.
ROBERT P. GRAHAM,	First Circuit.
JOHN S. WIRT,	Second Circuit.
STEVENSON A. WILLIAMS,	Fourth Circuit.
NORMAN B. SCOTT,	Fourth Circuit.
CHARLES E. FINK,	Fifth Circuit.
FRANK C. NORWOOD,	Sixth Circuit.
L. ALLISON WILMER,	Seventh Circuit.

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COMMITTEE ON LEGAL BIOGRAPHY.

ELIHU S. RILEY,	Fifth Circuit.
PETER J. CAMPBELL,	Eighth Circuit.
ALEX. H. ROBERTSON,	Eighth Circuit.
HENRY J. WATERS,	First Circuit.
HENRY R. LEWIS,	Second Circuit.
J. M. T. LAWRENCE,	Third Circuit.
CLAYTON PURNELL,	Fourth Circuit.
J. ROGER McSHERRY,	Sixth Circuit.
GEORGE E. LOWEREE,	Seventh Circuit.

COMMITTEE ON ADMISSIONS.

JOHN HINKLEY,	Eighth Circuit.
RALPH ROBINSON,	Eighth Circuit.
PH. LEE GOLDSBOROUGH,	First Circuit.
J. H. C. LEGG,	Second Circuit.
JOHN F. GONTRUM,	Third Circuit.
WILLIAM C. DEVECMON,	Fourth Circuit.
EDWARD T. JONES,	Fifth Circuit.
WILLIAM H. TALBOTT,	Sixth Circuit.
JOHN H. MITCHELL,	Seventh Circuit.

EXECUTIVE COUNCIL.

JOHN P. POE,	*Baltimore.*
THOMAS H. ROBINSON,	*Harford.*
JOHN S. WIRT,	*Cecil.*
JOHN B. GRAY,	*Calvert.*

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ANNUAL ADDRESS.

HON. JAMES McSHERRY, PRESIDENT.

Gentlemen of the Maryland State Bar Association:

It is a little singular, if not indeed paradoxical, that a learned and venerable profession, which for centuries has numbered and enrolled among its members the most enlightened and accomplished leaders of thought, has never yet been supplied with a satisfactory or an adequate definition of the very subject to which that profession pertains—*Law*. Whether Hobbes or Blackstone, Austin or Markby be followed, or the more flexible and perhaps more accurate description of Professor Holland be approved, "law, as the lawyer has to deal with it," says Judge Dillon in his admirable lectures on the Laws and Jurisprudence of England and America, "is concerned only with legal rights." "Coercion by the State," he continues, "is the essential quality of law, distinguishing it from morality or ethics." Adopting, as he does with some misgiving, the definition of Holland in the latter's "Elements of Jurisprudence," Judge Dillon states "law may be defined as a general rule of civil conduct or of external human action enforced, or at all events purporting to be enforced, by a soverign political authority." This, I venture with great diffidence to suggest, is subject to some qualification. There may be the semblance without the substance of law. There may be a rule of civil conduct enforced by the State, and thus answering the definition, but still so repugnant to reason or revelation that, as Blackstone tells us, it would possess no binding authority as law. An enactment that is hostile to natural justice—an arbitrary one, the "*hoc volo, sic Jubio, sit pro ratione voluntas*" of Juvenal, that is antagonistic to divine law—is no law at all though clothed in all its outward trappings and its garb. Dr. Whewell has remarked "the adjective right belongs to the domain of *morality;* the substantive right to the domain of *law*." Be this as it may and however you define that great overmastering system called the law; and though coercion by a dominant superior power be the method of its ultimate manifestation in dealing with concrete rights; its sources—numerous and diversified—give efficacy and shape to its practical administration; and what is more important still, in its

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loftiest conception, its foundations lie deeply embedded in the moral code. Whilst, perhaps, strictly and technically speaking it may have no immediate or necessary concern with mere ethics in the abstract, yet we all know and intuitively feel that it takes deepest hold of humanity and is most elevating in its influences when closest akin to the decalogue. Of course I have no reference in this remark to the comparatively unimportant instances where rules of civil conduct that are in themselves or inherently indifferent, are prescribed. Such enactments not affecting in any way either natural rights or revealed law are merely the emanations of the law-maker's will. I allude to the broader view epitomized by Justinian; "*Juris præcepta sunt hæc; honeste vivere, alterum non lædere, suum cuiqui tribuere.*" It was no doubt this conception of the law—its potency and at least one fountain of its origin—that induced Bishop Hooker to exclaim: "I bow with reverence before the majesty of the law. Her seat is the bosom of God; her voice the harmony of the world. All things in heaven and on earth do her homage; the very least, as feeling her protection; the greatest, as not above her power."

Though you distinguish the ethical from the physical coercive concept, there can be no total obscuration of the former in the daily multiform applications of the latter. A legal right, in some way or other, always involves a correlative duty, and in the multitudinous transactions of life, the clashing of those rights and duties may and frequently does evoke in their ultimate adjustment, an essentially moral principle. And so, however we may regard the science itself—whatever formula of words we may employ to give expression to our notion of it—in the last analysis, the lawyer's work, the practical adaptation of the law and its underlying principles to the varying affairs of men, is to a greater or less degree, an interweaving or blending of ethical precepts and conventional commands. It follows of course, that those who aid in the administration of a system thus complexly composed as regards its origin, and diversified as respects its functions, should possess, to fit them for the delicate and difficult task, intellectual and moral attainments commensurate with the magnitude of the obligation which their responsible position inexorably imposes. And, hence, the members of the Bar—the most important functionaries who assist in the dispensation of jural justice—ought to be men of wisdom, enlightenment and integrity.

Lord Chancellor Westbury, more than forty years ago, declared that lawyers "from the beginning to the end of their lives, ought to regard themselves as students of the most exalted branch of knowledge, moral philosophy embodied and applied in the laws

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and institutions of a great people. There is no other class or order in a community," he went on to say, "on whom so much human happiness depends, or whose pursuits and studies are so intimately connected with the progress and well-being of mankind." Sneered at by the cynical and derided by the ignorant this may be, but its truth is attested most conclusively. That the American lawyer has always been the leader of thought in this country; and that his influence has been most cogent in moulding and executing beneficent legislation, will, in a measure, appear if I may venture to briefly state a few facts with which probably many even of our own calling have not had either opportunity or occasion to become familiar. Mr. I. H. Benton, Jr. of the Boston Bar, in an interesting paper on the "Influence of the Bar in State and Federal Government," read by him in February, 1894, before the Southern New Hampshire Bar Association, presents some valuable and striking facts bearing on this subject. He shows that of the fifty-six signers of the Declaration of Independence, twenty-five were lawyers, as were thirty out of the fifty-five members of the Convention which framed the Federal Constitution. Out of three thousand one hundred and twenty-two United States Senators, since 1787, two thousand and sixty-eight were lawyers; and of the eleven thousand eight hundred and eighty-nine Representatives, five thousand eight hundred and thirty-two were lawyers; of the twenty-five Presidents of the Republic twenty have been lawyers; whilst of the one thousand one hundred and fifty-seven Governors of all the States, five hundred and seventy-eight out of nine hundred and seventy-eight whose occupations he was able to ascertain, have been members of the Bar. These figures become even more significant when it is remembered that the lawyers make up but a small percentage of the whole population. In fine, to quote from the exhaustive report of the Committee on Legal Education, submitted to the America Bar Association at Saratoga, in August, 1892: "The mind of the lawyer is the essential part of the machinery of justice; no progress or reforms can be made until the lawyers are ready. Their influence at the Bar, on the bench and in legislation is practically omnipotent. The progress of the law means the progress of the lawyer, not of a few talented men who are on the out-posts of legal thought, but the great army of the common place who constitute the majority in every occupation. What the lawyers do not understand or what they pronounce visionary and impracticable, will not be accepted by the legislatures or courts of the country."

But his vast influence in giving shape to legislation, his conceded power in directing government and in moulding public

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opinion are not the exclusive spheres of the lawyer's usefulness. In the less glittering but not less important routine of duty he is called upon to confront vice, to denounce crime, to unmask fraud, to expose its disguises, to explore the hidden and secret ways of the crafty, the cunning and the dishonest. Innocence commits its vindication to his skill; and the weak, the helpless and the oppressed invoke his generous aid. The property and the reputations of the living, the estates of the dead and the inheritance of the orphan may all be the subjects of his watchful vigilance and anxious solicitude. Vast pecuniary interests and the most delicate social and domestic relations, when dragged into litigation, demand his ceaseless attention. He becomes of necessity identified with the strifes of others and as a consequence is often visited with the unmerited criticism which the bitter feelings engendered by an angry law-suit frequently provoke. His is, many times, the guiding hand that steers, unseen, mighty financial and commercial undertakings; and in the seclusion of his office, with none of the pomp and circumstance of the forum to win the plaudits of the multitude, his judgment and his council give shape to enterprises of great pith and moment.

If what I have thus far said with respect to the position of the lawyer and his relation to the administration of the law in its broadest sense, be true—and it is demonstratable if need be—then it results as a necessary and an obvious consequence that the practitioner of today, whose duties and responsibilities and whose position in the community place him in such pre-eminence of power and influence and leadership, owes to his calling to himself and to his country an inflexible obligation to maintain, unimpaired, the intellectual and moral ascendency of the legal profession. In the precise ratio that he falls short in either respect will the deterioration of his and his brethrens' usefulness be measured. Crowding the ranks with incompetent men will inevitably lower the intellectual average of the Bar; whilst the venality and the unscrupulous conduct of a few unworthy practitioners will, by the verdict of public opinion which is seldom discriminating on such a subject, affix the stigma of obloquy and contempt upon the whole body of the profession.

Losing sight of, or not knowing the traditional integrity of the true lawyer has been instrumental in developing the modern commercialism pervading a noble pursuit, and this, with an insatiate greed for questionable gains, must eventuate in a transformation from the exalted to the vicious, alike humiliating and disastrous. If lawyers become morally delinquent; if they are without mental training or are generally ungrounded in the rudi-

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ments of a liberal education, the practice of the law will soon degenerate into a scramble of incompetent mercenaries. Ignorance and assurance, which usually go hand in hand, usurping the places heretofore filled by learning and reserve, pressing to the front in the whirl of a restless age—often mistaken by the superficial observer for talent and energy—will surely beget discredit and reproach; and the vulgar notion that the lawyer is but a fomenter of strife who incites contentions and discords merely to enrich himself at the expense of others, will become a disgraceful reality. You cannot shut you eyes to the growing tendency in this direction. There are numbers now in the profession and others knocking at the door for admission who possess not a single qualification. Their highest conception of duty does not rise above the level of the trickster's dishonesty; and their moral senses are no more elevated than those of Falstaff.

Apart from a few definitions which they have learned by rote without understanding, they are profoundly ignorant of legal principles. Painful as it is to make this statement, it is due to truth and to the great body of honorable men who are members of the Bar that it should be frankly and openly proclaimed. Of course, the men I have been describing, though licensed to practice are not lawyers. They simply swell the ranks with hopelessly unfit recruits, verifying what Addison remarked in the *Spectator:* "The body of the law," he wrote, "is no less encumbered with superfluous members that are like Virgil's army, which he tells us was so crowded many of them had not room to use their weapons." It does not mend matters even if Sam Johnson were right when he said to Boswell, "Why sir, in the formulary and statutory part of law, a plodding blockhead may excel; but in the ingenious and rational part of it, a plodding blockhead can never excel." The failure of the ignorant and incompetent to excel very often drives or prompts them to resort to questionable and even disreputable devices that bring reproach to the profession itself.

What is the remedy? If the Bar is to continue the most conservative force in the community, and if its members are to remain the leaders of thought, there must be a remedy found somewhere and in some form and speedily too, for the growing and the pressing evils that threaten the ascendency of the profession from the indiscriminate and promiscuous overcrowding of its ranks by utterly incompetent and unworthy persons. The magnitude of this rapidly increasing reproach to the Bar has in the past few years arrested attention and some steps have been taken elsewhere than in Maryland to prescribe a remedy.

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It may be impossible to exterpate or uproot the mischief altogether; but it is surely high time that some attempt be made in this State to lessen it, or at least to restrict its demoralizing tendencies. As ignorance and venality are the germs from which whatever degeneracy now confronting us in the profession has sprung, it is obvious *these* should be vigorously and at once assailed. Make it impossible, if you can, or at all events, make it more difficult than at present, for an incompetent or unfit person to be enrolled as a lawyer, and more certain if enrolled that he will be disbarred for discreditable conduct; and you will remedy or advance very far towards mitigating the predominant evils. You cannot, it is true, even if it were desirable, make a silk purse out of a sow's ear; or as Mr. Justice Brewer has expressed it, you cannot make a silk purse out of the "auricular appendage of the female swine;" but, I apprehend, you can prevent that same auricular appendage from masquerading as a purse of any kind.

It is self-evident that a much longer and a much more thorough course of preparatory study; a higher and more liberal education and a far better knowledge of ethical principles are imperatively required. The law is a learned as well as an honorable profession and it is the baldest folly to dream of maintaining that profession's ascednency if its practitioners are illiterate men or are ignorant of or worse still disregard the plainest precepts of moral philosophy. Reforms in the old cumbersome perplexities of pleading and in the involved methods of procedure have doubtless been steps of progress and improvement in so far as they prevent the real merits of a controversy from being sacrificed to unsubstantial technical forms, as was formerly often the case; but it may be fairly debatable whether they have not, in the long run, been productive of quite as much mischief in another direction as they remedied in the one just indicated, for these very reforms and simplifications have to a considerable extent rendered it far less difficult for thoroughly incompetent and unequipped persons to enter the profession. It is all very well to say that the substantial principles underlying our system of jurisprudence, and, to some extent, governing the forms of action must still be recognized however the new forms may be changed or simplified; as was held in *Stirling vs. Garritee, 18 Md. 468;* but the most casual observation shows how little attention is given by many to the study, much less to the mastery of the elementary principles of pleading, implicit reliance being placed on the forms embodied in the simplification acts without a thought as to the sources from which they were derived and which impart a meaning to them. Obviously a greater familiarty with the old system of pleading—

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some knowledge of its principles and its philosophy—is essential to an intelligent comprehension and a discriminating application of simplified forms, unless it is designed to convert the Court Room into a modern Tower of Babel.

Mere perfunctory examinations of those who seek admission to the Bar—superficial and hurried as such examinations usually are—ought to be discontinued and a system should be substituted that will, whilst interposing no insuperable barrier to the competent and worthy, forever and unerringly close the door against the incompetent and morally unfit. To again quote Mr. Justice Brewer: "The door of admission to the Bar must swing on reluctant hinges, and only he be permitted to pass through who has by continued and patient study fitted himself for the work of a safe counsellor and the place of a leader."

Perhaps it may be deemed an invasion of the province of the Committee on Legal Education for me to enter upon the consideration in detail of what ought to be done by legislation on this subject; but inasmuch as the Constitution of this Association declares that the Association was "formed to uphold the standard of integrity, honor and courtesy in the legal profession, to encourage legal education, and to cultivate a spirit of cordiality and brotherhood among the members of the Bar," it may not be amiss to suggest that the provisions of the New York statute would, if enacted in Maryland, produce excellent results. By the New York statute the time of study is fixed at three years and the applicant is required to pass an examination which will not only exhibit whether he possesses a sufficient knowledge of the law, but which will likewise disclose whether he has an adequate general education fitting him for admission to the Bar. The examinations are conducted at prescribed periods by a Board of State Examiners appointed by the Court of Appeals. All local favoritism or prejudice is by this method avoided and the applicants being largely, if not wholly strangers to the examiners, a much more satisfactory conclusion as to the efficiency and qualifications of those who seek admission, is reached, than where local Bar Committees interrogate local applicants and where, quite frequently, sympathy or an indisposition to turn down an acquaintance or a neighbor too often overcomes the better judgment and prompts a favorable rather than an adverse report and recommendation. Under the New York law longer and more thorough study is prescribed than in Maryland. It will be no difficult task to devise some such measure as the New York statute, and by its adoption one of the prevalent evils now confronting us will be eradicated or at least greatly circumvented.

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The other evil—the admission of men destitute of integrity—is much more difficult to deal with. The Code, it is true, requires that the applicant shall possess a good moral character, but we all know that this provision is sometimes evaded. You cannot well fix a moral standard as you may prescribe an intellectual one; and it would be a vastly more delicate task to pass upon the former than on the latter. A man of flagrantly and notoriously bad repute is not at all likely to be admitted; but the crafty dissembler who hides his delinquency under an outward appearance of rectitude is the dangerous, because the insidious, applicant. Though it may be difficult to exclude from the profession such persons, their capacity for mischief can be greatly abridged by enlarging the provisions of the penal code and by prescribing as an invariable punishment for misconduct and dishonesty in the practitioner a disbarment after a summary hearing. If the fear of the punishment would not act as a deterrent, its infliction would rid the Bar of the offender and at once end his ability to disgrace his calling. The enactment and rigid enforcement of some such regulations as these respecting admissions to the Bar would doubtless hinder many from entering the profession. And many ought to be hindered. Those who might be excluded would only be such as ought not to enter; and those who might be disbarred would invarably be only such as ought never to have been admitted.

I confess I feel a deep humiliation in admitting before an audience of intelligent and honorable Maryland lawyers that there is need of drastic measures to protect the Bar of our State from the contamination of incompetent and unworthy practitioners. But the fact that something must be done is conceded, or if not conceded, is obvious; and the duty to speak plainly on the subject and to squarely face the situation is imperative. There was a time when no occasion existed to discuss such a theme. No Bar in the country has ever stood higher than the Maryland Bar. The renown of its leaders and of many judges who have stepped from its ranks to the Bench, stretches far beyond the boarders of our chivalric commonwealth. Who of us that does not feel a just pride in the unrivalled genius and brilliant attainments of William Pinkney, Luther Martin, Reverdy Johnson, John Van Lear McMahon, John Nelson, William Schley, Thomas Donaldson, I. Nevit Steele, Severn Teakle Wallis and scores of others who have passed away, but who have left their names inscribed upon the imperishable shaft of history? And who of us that does not glory in the splendid talents, great

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wisdom and lofty integrity of the many eminent and accomplished members of the Maryland Bar of to-day? If you turn to the Bench, behold the gifted and erudite Roger Brook Taney, John Buchanan, John Carroll LeGrand, John Mitchell Robinson and Richard Henry Alery, and produce a line of Chief Justices their equals, from any other State of the Union. What Maryland has done in the past she is capable of doing again. My friends! let us bring the *whole* Maryland Bar back to the exalted standard of former days, and let us elevate it to the equally high position which its acknowledged leaders at this time occupy and then the proudest and most distinguished enconium which can be spoken of each of its members will be to say of him "*he* is a *Maryland* lawyer."

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REPORT OF THE COMMITTEE ON EDUCATION.

To the Maryland State Bar Association:

The Committee on Education have the honor to submit the following report:

Article XI of the Constitution of this Association provides: "It shall be the duty of this Committee to examine and report upon any proposed changes in the system of legal education and make such suggestions as may seem pertinent thereto, and also to examine the practical workings of the present law in relation to the admission of members of the Bar to practice in this state, and to make such suggestions in relation to the same as the Committee shall deem advisable."

Pursuant to this provision of the Constitution, the Committee have examined the practical workings of the present law, and have examined a number of proposed changes.

The Committee have also examined the laws of all the States regulating admission to the Bar, and have examined the regulations adopted by the courts in some of the states for the conduct of examinations. The Committee have had access to all the documents on file with the Committee on Education of the American Bar Association, including copies of the laws of all the states and territories, and have obtained much valuable information therefrom. The members of this Association are so well acquainted with the present law of this state that it is needless to dwell on its various provisions. No important changes have been made since the Act of 1831, ch. 268.

The main features of the present law, so far as it is material to this report, are: That no attorney or other person shall practice law without being admitted to the Bar. Applications for admission may be made to any of the Circuit Courts for the counties, the Supreme Bench of Baltimore City, or to the Court of Appeals, in open court.

Applicants must be twenty-one years of age, must have studied law at least two years and must be possessed of probity and general character. It is the duty of the court to whom application is made to appoint an examining board of not less than three members of the Bar, who shall examine the applicant in the presence of the court touching his qualifications for admission as an attorney. The courts may appoint permanent examining

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boards, but no member of such board shall be appointed for a longer period than one year. Admission to the Bar of the Court of Appeals entitles the person admitted to practice in any or all of the courts of the State. The members of the Bar of one court are admitted, on motion, in all the other courts of the State.

Complaint is made that the examinations in some parts of the State are unsatisfactory, and that applicants are sometimes admitted who do not possess proper qualifications.

It is also a matter of complaint that applicants who have tried and failed to pass the examination at the place of their residence, where they expect to practice, have gone to other counties and have been admitted. Being entitled under the present practice to admission, on motion, in all other counties, the applicants have immediately returned to the place of their residence and been admitted there. In fact, it is said, cases have occurred where an applicant having failed to pass the examination in one county has applied at a second place and again failed. He has then applied at a third place, where the examination was a mere matter of form, and been admitted. He then returned to the places where he had been rejected and was admitted, on motion.

In some parts of the state there is a decided sentiment in favor of thorough examinations and high standards for admission to the Bar, but it is complained that all efforts in this direction have been defeated by the rule permitting members of the Bar of one county to be admitted in all other counties, on motion.

It is the aim of those desiring to maintain high standards for admission to the Bar in the localities in which they reside, either that the practice referred to, be changed, and that the rule of admitting members of the Bar from another county, on motion, be abolished or that some uniform standard for the whole state be adopted.

Your Committee have investigated the facts to the best of their ability. They find it to be true, and it seems to them to be unavoidable under the present system, that examinations in many of the counties are lax and ineffectual in preventing incompetent persons from coming to the Bar. It seems to the Committee that this is unavoidable; the term of court in many places lasts only a few days, the time of the court is occupied with the trial of cases and other matters of importance, so that there is not sufficient time at the disposal of the court to properly examine applicants. The Bar in some counties is small, the applicant has been closely associated with its members for several years, and it is but natural for the examining committee under such circumstances to be tender to the applicant. Personal and social considerations have too

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much weight in many cases. Some preparation and experience is required on the part of the members of the examining committees to properly examine applicants. A committee whose members are selected by the court from among the members of the Bar in the courtroom when the application is made, or who are appointed for a single case, and who act without preparation, cannot do justice to the court or applicant. Such a committee has no time to refresh its recollections of early studies or to prepare a proper plan of examination. A few questions, calling for definitions by way of answer, and their work is done, as they believe. To examine students thoroughly, and at the same time with justice to them, can be done only by those with experience. Recollections of a few definitions or phrases, or ability to make a good guess, are not sufficient evidence of ability to practice law.

The Committee cannot approve of the plan to abolish the rule allowing members of the Bar of one county to be admitted in all other parts of the state, on motion. This has always been the rule in this state. The admission of members of the Bar from other places, on motion, exists generally throughout the country. In the statutes of most of the states provision is made for the admission of members of the Bar of other states, on motion. In almost all the late statutes, passed in the various states, having for their object the creation of higher standards for admission to the Bar, the rule is preserved that members of the Bar of other states shall be admitted, on motion. It is, however, generally provided that the applicant shall have practiced a certain number of years in the state from which he comes. This rule is founded on that spirit of professional courtesy and brotherhood for which our profession has always been conspicuous, and your Committee do not believe it would be practical, or if practical, desirable, to change the present practice on this point.

The Committee think the other remedy proposed more likely to be adopted and to be more effectual. A uniform standard for the entire state is much to be desired. In the preamble to the Act of 1831, ch. 268, it is recited that it is the object of the Act to provide that the mode and terms of admission should be uniform throughout the state.

As the speed of an army is the speed of the slowest regiment, so the standard for admission to the Bar is, in view of the ease with which the requirements of any one county may be evaded, the standard of the county having the lowest standard.

Your Committee find the evils complained of are not confined to this state. The complaint has been general throughout the country that examinations for admission to the Bar are not strict

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enough. The difficulty arising out of the rule that members of the Bar of one county are admitted, on motion, in all other counties of the same state has been one of the chief difficulties in the way of establishing good standards of admission to the Bar. Your Committee find that this subject has been under consideration by the Bar Associations, and the Legislatures in many of the states, and the Committee finds in the experience of other states much valuable data to guide them in reaching conclusions on the subject.

Our examination of the statutes of all the states shows the plan generally adopted in the late statutes, to secure a uniform standard, is to vest the power to admit in one court. The statutes differ somewhat in detail, but the main features of the laws recently adopted in a number of states are to vest the power to admit to the Bar in the highest court of the state. The court is directed to appoint a board of examiners to serve for a fixed period, generally three or five years, a certain number of examiners going out of office each year. All applicants for admission to the Bar in the state are to be examined by this board. The details—the time, place and extent of examinations, etc.—are generally left to be settled as experience shall dictate, by regulations to be adopted by the court or board of examiners. The expense of the board is to be defrayed out of fees to be paid by those applying for examination.

This system has been adopted in New York, Michigan, Florida, Minnesota and Wisconsin.

The last Legislature of Massachusetts passed such a law but it has not yet gone into effect. Your Committee is informed that in a number of other states similar action is being urged on the Legislature by the Bar Associations.

Your Committee have examined into the results of these laws and believe their effects have been admirable, they have resulted in a competent board of examiners, whose term of office has been sufficiently long to enable the members of the board to acquire experience in the examination of students, and to do justice to the students and to the court. There has been, so your Committee is informed, a distinct improvement in the character and attainments of young men admitted to the Bar where this plan has been adopted. By securing a uniform standard for the whole state the admission of unqualified persons in the indirect way already described is prevented.

The Committee believes that the adoption of this plan in Maryland will furnish a remedy for matters now much complained of.

State Boards of Examiners already exist in the state for other occupations.

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The Act of 1892, ch. 296, (amending Code of Public General Laws, Article 43, Sections 39, etc.) provides that no one shall, after the passage of the Act, begin the practice of medicine in this state until he has passed an examination by one of the State Boards of Medical Examiners. Two such boards are provided for; one representing the Medical and Chirurgical Faculty of Maryland and the other the Maryland State Homeopathic Medical Society. Each board consists of seven members, who are appointed for a term of four years; those representing the Medical and Chirurgical Faculty by that Society, and the other by the Maryland State Homeopathic Society. The Act provides that examinations shall be in writing, and a course of study is prescribed by the Act. None are admitted to the examinations except on satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common school education and has either received a diploma conferring the degree of doctor of medicine from some legally incorporated medical college in the United States, or a diploma or license conferring the full right to practice all the branches of medicine and surgery in some foreign country, and has also studied medicine three years and attended three courses of lectures in different years in some legally incorporated medical college or colleges prior to the granting of the diploma or license. These provisions are much more stringent than have yet been adopted by any state for admission to the Bar.

An excellent provision of the Act is that the name and school graduation and preparatory training of the applicant shall not be made known to the members of the board until his examination papers have been graded. The fee for examination paid by by all applicants is ten dollars.

The Act of 1892, ch. 151, a local law for Baltimore City, provides that all persons desiring to become pharmacists shall first be examined by the "Commissioners of Pharmacy and Practical Chemistry." The Maryland College of Pharmacy nominates, bienially, ten persons, from among which the Governor of the state selects and appoints three commissioners, who have charge of the enforcement of the law.

Article 32 of the Code of Public General Laws provides that no one shall practice dentistry in this state without being a graduate of a dental college or being examined by a board of examiners, composed of five reputable, practicing dentists. The members of the board are appointed by the Governor for four years.

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In the City of Baltimore plumbers are required to be examined by the "State Board of Commissioners of Practical Plumbing." (Public Local Laws, Article 4, Section 402, etc.)

The Act of 1894, ch. 273, forbids all persons to practice veterinary surgery in the state of Maryland unless they have a diploma from some college of veterinary surgery, or have passed an examination by the "State Veterinary Medical Board." The members of this board are appointed by the Governor for four years. It is provided that after December 31st, 1894, no one shall practice veterinary surgery in this state except graduates of legally chartered colleges.

The Committee on Legal Education of the American Bar Association in 1890, investigated fully the operation of this plan. The results of their investigation will be found in a report made by the Committee to the American Bar Association and published among the proceedings of that Association. (Reports of the American Bar Association, 1891, p. 307.) In the course of its investigations the Committee asked the Chief Justices of all the states whether, in their opionion, the adoption of this plan was desirable, and it appears from the replies of the Chief Justices (Reports of American Bar Association, 1891, p. 309) that a large majority favored the plan.

The Committee submit herewith the draft of a proposed law to repeal Sections 2, 3, 4, 5 and 8 of Article 10 of the Code of Public General Laws, title, "Attorneys-at-Law and Attorneys in Fact," and to re-enact Sections 2, 3, 5 and 8 with amendments, and to repeal the Act of 1892, ch. 37. This law is modeled on the laws which have been recently adopted in other states and already described, but contains certain modifications adapted, as we think, to our particular needs. The main feature is that the power to admit to the Bar shall be vested exclusively in the Court of Appeals. It provides for the appointment of a State Board of Law Examiners, of five members of the Bar, of at least ten years' standing, to be appointed by the Court of Appeals, who shall examine all applicants for admission. The Committee have endeavored to make the law as simple as possible and have, as has been done in other states, left much of the detail to be regulated by the Court of Appeals, by such rules and regulations as that court may find expedient.

Ample data for the formation of such rules and regulations exists in the experience of other states.

Your Committee thinks that the thorough training of lawyers is more important now than it has been at any time in history. The complexity of modern life, with its immense social, political and

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financial problems, our wonderful growth in the past century, the changes in old habits, and the new conditions of life science is constantly introducing, the extension of the business and social connections of our people caused by our railroads, telegraphs and steamships, lead to an enlargement of the lawyer's career, and require on his part more knowledge of the arts and sciences, a better training in history, politics and in law.

The law itself has greatly changed. A century ago and the active practitioner could own all the law books he could reasonably need, and these could be contained in the shelves of a moderately-sized room. The law library of to-day contains thousands of volumes, and increases annually at a rate which is appalling. In a recent advertisement of a new Digest, the publishers stated: "The Digest will contain from one million two hundred and fifty thousand to one million five hundred thousand legal propositions as embodied in more than half a million judicial decisions." A publishing company, in a recent advertisement, offers to the Bar full reports of seventy-five thousand cases decided in the courts of this country within a period of about five years.

An insight into the great fundamental principles of the law is as essential to the lawyer as it ever was, but to properly collect, classify and interpret all the cases on a given point now requires a technical skill never before required.

The change in practice is graphically described in a recent article on Legal Education by a distinguished lawyer who says: "It is easy to find single opinions in which more authorities are cited than were mentioned by Marshall in the whole thirty years of his unexampled judicial life, and briefs that contain more cases than Webster referred to in all the arguments he ever delivered." (Hon. Edward J. Phelps, in the *Yale Law Journal.*)

To intelligently advise a client or inform the court on almost any new question of law now requires the exercise of more learning and ability than was ever before necessary in the history of the profession and consequently requires a more extended course of study and a better training than formerly sufficed. It is no kindness to a young man to permit him to enter the profession with inadequate preparation. The result will ordinarily be that he will spend a few years in an ineffectual effort to secure a place at the Bar, only to be compelled finally to give up the fight and seek success in other occupations. It may be that in some cases the experience may be of advantage to him, but in a large majority of cases, it means several years wasted and cruel disappointment.

Your Committee regrets to observe that the other professions appear to have sooner appreciated the necessity for better training.

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Many of the medical colleges of the country now have four year courses of study, and most, if not all, the reputable medical schools have three year courses of study with good standards of graduation. The scientific and technological schools at which the engineers, chemists and other are educated, require a good standard of admission and three years' study. The schools of dentistry and pharmacy have three year courses of study. In this state it is easier at present to become a lawyer than a physician, clergyman, a dentist or an apothecary.

Your Committee learns that there has been a sudden and phenomenal increase in the number of students in the law schools of the country in the past eight years. In 1878 the number of students in the schools was about three thousand and twelve. In 1890 the number had increased to about three thousand five hundred and seventeen, an increase of about seventeen per cent. in twelve years. In 1895-6 the number had increased to nine thousand six hundred and seven, an increase of over one hundred and seventy-five per cent. in five years. In the other professional schools the increase compared with previous years appears to have been normal, or perhaps not so great. It is perhaps impossible to determine positively the cause of this remarkable increase, but one cause which as at present advised, the Committee believes to have been most effective, is that the medical schools and other schools have increased their standards of admission and graduation. The laboratory and other expenses in the medical and scientific schools have also greatly increased. The consequence, it is thought by many, has been that many young men have sought the law as the easiest and quickest profession to enter, the one requiring the least outlay of time and money.

If this is true, it is but natural to suppose that the ignorant and incompetent and those least inclined to adequately prepare themselves for their future profession have sought the law. The consequence of this must necessarily be to relatively, at least, elevate the other professions and lower our own. This is a result which cannot be contemplated by any lawyer with an adequate idea of his duty to his profession and the public without intense anxiety and chagrin.

Our fellow-citizens of other occupations ought not to be unmindful of the fact that the proper training of lawyers is a question in which the public are greatly interested. That an attorney should be competent to understand his client's case and properly advise him, and be able to present the law and facts to the court and jury, are matters which it would be superfluous

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to dwell upon. The client must abide by and accept the action of an incompetent attorney. Ignorance on the part of the draftsman of a will or contract in most cases means irreparable injury to those interested. But the question is much broader than this. An incompetent or unprincipled lawyer can do more damage in any community than any number of quack doctors or incompetent dentists or engineers. The public are as much interested in the training of those having the care of their liberty and property as of those having the care of their bodies.

When we consider the influence of lawyers on public opinion and action, and particularly on legislation, it is evident, the effect of their training is far reaching. Some suggestive statistics will be found in an article read by J. H. Benton, Jr., Esq., of the Boston Bar, before the Southern New Hampshire Bar Association several years ago. He says, speaking, of course, as of the time he writes: "In addition to the judiciary, with its immense power over the lives, liberties and fortunes of the people, of twenty-four Presidents of the United States, nineteen have been lawyers. Of the one thousand one hundred and fifty-seven Governors of all the states, five hundred and seventy-eight of the nine hundred and seventy-eight whose occupation he had been able to learn, were lawyers. Of the fifty-six signers of the Declaration of Independence twenty-five were lawyers, as well as thirty of the fifty-five members of the committee which framed the Federal Constitution. Of the three thousand one hundred and twenty-two Senators of the United States, two thousand and sixty-eight have been lawyers, and of the eleven thousand eight hundred and eighty-nine Representatives, five thousand eight hundred and thirty-two have been lawyers. The average membership of lawyers in both branches of Congress from the beginning has been fifty-three per cent." When it is remembered that the lawyers of the country constitute, as nearly as can be ascertained, only one in every seven hundred of the population, it is apparent that their influence on public affairs has been out of all proportion to their numbers. This is natural, for law is but a branch of political science, and the knowledge and training of lawyers qualify them peculiarly for leadership in political thought and action.

It is said the great political, social and economic questions of the age will be fought out in this country. This is a government of the people. The law is the means by which the will of the people is executed. The training of the lawyers who are so powerful in the creation of law and in its administration is therefore a matter of vital interest to every citizen. Those engaged in

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promoting what they believe to be movements of social and political progress should remember that ultimately all their plans must be subjected in a greater or less degree to the judgment of the lawyer. His influence is potent. "The mind of the lawyer is an essential part of the machinery of justice. No progress or reforms can be made until the lawyers are ready; their influence at the Bar, on the bench and in legislation is practically omnipotent. The progress of the law means the progress of the lawyer; not a few talented men who are on the outposts of legal thought, but of the great army of the commonplace who constitute the great majority in every occupation. What the lawyers do not understand, or what they pronounce visionary and impracticable will not be accepted by the Legislatures or the courts." (Proceedings of the American Bar Association, 1892.)

Austin and Bentham for many years occupied a conspicuous place in legal thought, yet their direct influence on legal reform was slight. It was by their disciples, Brougham, Romilly and others, all practicing lawyers, that the great changes suggested by Austin and Bentham were made practical and effective.

The Committee believes that the influence of the Bar is as great as it ever was, but its dignity and prestige have been somewhat impaired. Wealth and cunning have usurped many of the places formerly occupied by the lawyer, and which by right belong to him.

Washington said "the judiciary is the corner-stone of our institutions." To maintain the power of the Bar is a duty we owe to the public. To transmit our noble profession to our successors, unimpaired in power, dignity and prestige, is a duty we owe to posterity. The Committee believe that no more effectual means can be found to perform this duty than to guard the threshold and see that none pass who are incompetent to perform the duties they will assume to society and their profession.

In conclusion, the Committee submits the follow resolutions:

Resolved: I.—That the Maryland State Bar Association recommend to the General Assembly of Maryland the passage of a law repealing Article 10, Sections 2, 3, 4, 5 and 8 of the Code of Public General Laws, and the Act of 1892, ch. 37, and the passage of a law vesting the power to admit to the Bar exclusively in the Court of Appeals, and that a State Board of Law Examiners be created, who shall examine all applicants for admission to the Bar.

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Resolved: II.—That the Committee on Education be instructed to procure the introduction into the General Assembly of Maryland of a law, the draft of which has been this day submitted by the said Committee to this Association, and endeavor by all proper and honorable means to secure the passage thereof.

All of which is respectfully submitted,

GEO. M. SHARP,
JOHN P. POE,
HENRY PAGE,
JOHN S. WIRT,
STEVENSON A. WILLIAMS,
ROBERT H. GORDON,
HARRY M. CLABAUGH,
E. S. EICHELBERGER,
C. C. MAGRUDER,
Committee.

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THE FOUNDERS OF THE BAR OF MARYLAND.

By ELIHU S. RILEY.

John Lewger was the father of the Maryland Bar. He it was who appeared first, with brief in hand, before the Provincial Court; he it was who stood first at the bar of justice in defense of the rights of another; he it was who filed the first declaration that called on Maryland law to vindicate the cause of the aggrieved according to the very right and equity of the matter. As Attorney of the Lord Proprietary, John Lewger, on the 30th day of December, 1637, filed his declaration in the first Provincial Court that met in Maryland, reciting that "Captain Henry Fleete, of St. George's hundred, planter, was indebted to the Lord Proprietary in the sum of one hundred pounds of beaver furres that he had borrowed from him as a joint adventurer in the trade of beavers with the Indians, and hath not yet paid, although he hath beene often requested to pay the same by the Honorable Leonard Calvert, Esq., Lieutenant-General of this province, on behalfe of the said Lord Proprietary."

John Lewger arrived in the province, November 28th, 1637, accompanied by his wife and son. Mr. Lewger imported with him, three maid servants, three men servants, and, during the year, brought seventeen persons into the province. Of him Mr. Bozman says, "that he was a man above the ordinary rank in society, both as to fortune and mental qualifications." (Bozman, Vol. 2, p. 46-7.)

Mr. Lewger came as one of the Governor's Council, which was the bench of the Provincial Court, and, at the same time, he was the Attorney General of the Lord Proprietary. In 1638, he was made Clerk of the House of Burgesses, and, in 1644, was the Secretary of the province. During this period, while Governor Calvert was temporarily out of the province, and Mr. Giles Brent was acting in his place, Mr. Lewger, having heard that the Susquehannock Indians were expected at Piscataway, to hold a conference, issued a commission to Captain Henry Fleete empowering him to treat with them for peace. Governor Brent thought that Mr. Lewger had overstepped his powers, and, on August 8th, 1644, ousted him from the office of Secretary. Governor Calvert returned in September, and Mr. Lewger was immediately restored to his office.

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Secretary Lewger, during the whole period of his Secretaryship, acted as the attorney of Lord Baltimore and Attorney General of the province, and, amongst other professional duties, gave opinions on legal questions when laid before him by the Governor or the court.

William Lewis, in 1645, had forbidden his Protestant servants, (Lewis being a staunch Catholic,) to read a certain Protestant book. The Governor and Captain Thomas Cornwalleys asked Secretary Lewger, the third member of the court, and the only lawyer on the bench, what should be done with Lewis, "for his offensive speeches and unseasonable disputations in point of religion, contrary to public proclamation to prohibit such disputes." Secretary Lewger gave opinion that "Lewis should be fined five hundred pounds of tobacco, and remain in the sheriff's custody till he should find sufficient security for his good behavior in time to come."

It was John Lewger on whom the Lord Proprietary depended in the troublous times when Charles the First was captive in the hands of Parliament, and in 1648, the Proprietary issued a warrant to the Governor and Mr. Lewger, "directing them to collect and take care of so much of his private possessions as might be saved from the general wreck of his fortunes."

Mr. Lewger, also as a conservator of the peace, had authority to "prove last wills and testaments of persons deceased, and to grant letters of administration."

In fact, Mr. Lewger at this period, embodied a very large part of the judicial system of Maryland.

In 1643, September 4th, Mr. Lewger was "by special commission, made a member of the Privy Council of the Province." He had, on August 4th, been made Judge, the first person of the province to assume that dignity by special appointment and qualification, and still holding the office of Counsellor to the Governor.

Mr. Lewger retained to his death, which was about 1648, the confidence of Lord Baltimore.

JAMES CAUTHER, the Second Attorney in Maryland.

The second name that appears as an attorney in the Maryland Provincial Court, is that of James Cauther. This was at the first court held at St. Mary's, and the suit which he began was docketed January 23d, 1637. Thomas Passmore, a carpenter, and Roger Moy, planter, had been sued by Thomas Cornwallis, Esq., on an assignment from John Neale, of Accomack, in Virginia, for three thousand pounds of tobacco. James Cauther, the attorney of the defendant, came and acknowledged the debt. The attorney made his mark "J. C." On February 5th, of the same year,

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"Attorney Cauther appeared for Thomas Passmore, complainant, against Thomas Charington, Joseph Edlow and Anson Barnum, in a plea of debt of five hundred and fifteen weight of tobacco, due the said Thomas Passmore."

Mr. Cauther was a planter also, and was so designated when appointed the administrator of William Wassells, deceased. Mr. Cauther, too, like Mr. Lewger, had men servants, for he complained in court "that Edward Eason had departed out of his service afore his terme expired to the damage of the plaintiff to the value of five hundred pounds of tobacco."

Mr. Cauther was a member of the Assembly of 1637, representing St. Mary's hundred, and he also held the proxy of Thomas Passmore, carpenter, a member from the same hundred. Mr. Cauther did not put in his appearance with legal promptness, and, on the second day of the session, was amerced for non-appearance. In the afternoon session of the same day, he was again fined for non-attendance. This was on Saturday, and well might the legislators of today learn a lesson; the Assembly adjourned until Monday morning at eight o'clock! Mr. Cauther had arrived by this time and took part in the trial of Thomas Smith, for felony and piracy, and voted for the verdict of guilty, and approved the judgment of death pronounced against Smith. He was again a member in 1638. In 1641, Mr. Cauther was entitled to a seat as a member, but preferred to be represented by a proxy, which he gave to Thomas Morris. This proxy did not arrive in time to prevent Mr. Cauther, with fifty others, from being fined twenty pounds each of tobacco for their non-attendance on the session. Mr. Cauther died early in January, 1643, as appears by the proceedings in court; not by resolutions of respect and regret, for that custom had not yet obtained in the Bar, but by testamentary proceedings on his estate.

CYPRIAN THOROUGHGOOD is the Third in the list of Maryland Attorneys.

On the 7th of August, 1638, he appeared as an attorney for Thomas Copley, Esq., who complaineth against John Norton in an action of covenant for that:

"*Whereas*, The said John Norton did on some day, in July last, covenants with Francis Gray on behalf of the said Thomas Copley to deliver unto him, upon demand, one thousand foote of sawn boards, upon a price then agreed upon betweene them, nevertheless, since that time, the said John Norton hath refused and still doth refuse to performe the said agreement on his part, although he hath beene thereunto demanded by divers persons in the name of

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the said Thomas Copley, to the damage of two thousand weight of tobacco, to the said Thomas Copley, and for this, etc."

(*Signed,*) CYPRIAN THOROUGHGOOD.

Although brother Thoroughgood does not often appear on the court rolls, we may imagine him as the owner of a "fine office practice," for, four years later than his first suit was docketed, December 5th, 1642, he was entered as the attorney of Greene, who was sued by the administrator of William Holmes.

CUTHBERT FENWICK, the Fourth Maryland Lawyer.

In the colonial annals Mr. Fenwick's name is spelled in four ways,—Fenwick, Fenwicke, Fennick, and Phenwick. On the 13th of March, 1637, Mr. Fenwick claimed a voice in the Assembly as a freeman, and was admitted. He, too, joined in verdict and judgment against Thomas Smith, convicted and sentenced to death for piracy. Mr. Fenwick, on the 16th, made Captain Cornwallys his proxy. A few days later he reappeared in his seat. Mr. Fenwick was one of the three members who voted against a bill for the support of the Lord Proprietary, and, in the January session, 1636, he again showed that he was not a mere passive representative, but on the 25th of the month gave a voice as not assenting to the election of St. Mary's Burgesses.

Mr. Fenwick was in good favor with the Lord Proprietary. On the 18th of September, 1640, in consequence of the prolonged absence of Captain Thomas Cornwallis, which was much regretted by the Proprietary, to Cuthbert Fenwick was written these unique letters of appointment: "nevertheless for the respect we bear unto him, and out of our care that so great a member of our province may have his attorney there to take care of such things as may concern him, therefore, we do hereby authorize you to repair, personally, to the said Assembly, there to have place, voice, and seat, as our said councillor's proctor or attorney, during his absense, (p. 89.) This honor, sitting by proxy in the Governor's Council, appears never to have been given to another. On October 20th, Mr. Fenwick was amerced fifty pounds of tobacco for being absent from the Assembly. Mr. Fenwick, on the 23rd, was one of those who voted against the Lord Proprietary's Prerogative Bill and was of those who supported the People's Liberties Bill. On August 9th, three proxies from Mattapanient were sent Mr. Fenwick to hold. July, 1649, Mr. Fenwick was again a member of the Assembly. When Nicholas Gwyther, at the assembling of the Legislature of 1647, asked vote and voice as a freeman of the province, Mr. Fenwick denied his right on the ground that Gwyther owed him service. This objection appears to have barred Mr. Gwyther from the Assembly.

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Mr. Fenwick was appointed one of a committee at this session of the House, with Mr. Giles Brent and Captain Robert Vaughn, to prepare a list of the grievances of the colony. He had another marked concession made him at this Assembly. His Indian servant, Andrews Ousamazinah, was exempted from the operation of a law, transporting Indians out of the province, and forbidding selling them ammunition. That Mr. Fenwick occupied a prominent position in the province is seen by the places of trust accorded to, and the confidence shown in him. In 1654, he was one of the commissions to treat with the Indians, and his name has come down to us as one of the most familiar in early Maryland history.

Mr. Fenwick first appeared on the roll of attorneys in 1644, when it is recorded that he had a power of attorney from Richard Bennett of Virginia, that Bennett who led the settlers of Annapolis to Providence. Counsellor Fenwick next appeared as the attorney of Captain Thomas Cornwallys. Mr. Fenwick had also a clientage outside the province, for his third appearence on the docket was as the attorney of Thomas Horlkins of Virginia, who had a claim of two thousand, two hundred pounds of tobacco against one Mr. Bushod.

The attorneys of the early province of Maryland were made of the same heroic material that their brethren of later periods displayed, and feared not to assault any citadel in defense of the rights of their clients. Cuthbert Fenwick, as attorney of Captain Thomas Cornwallys, had a bill of exchange for two hundred pounds sterling protested against Lord Baltimore and in his narr declared "that his client had thereby suffered damage to the value of one hundred thousand pounds of tobacco and cask, and therefore prayeth the said damage of the said parties, according to justice." The proceedings show that the sheriff refused to serve the attachment on Governor Calvert, the Proprietary's representative, and the attorney had warrant issued by the court, directed to Thomas Matthews, the recusant sheriff and "*siliter in causa ipsius Egidy Brent, p. Secritarim.* The outcome of these proceedings does not appear in the records. If we may judge from the number of suits he represented, the fourth attorney at the Maryland Bar was, in his day, the leading practitioner in the courts.

PETER DRAPER.

A new attorney came on the forum February 1st, 1643. Peter Draper, who had a power of attorney from Governor Calvert. On his behalf he demanded two hundred and sixty-four pounds of tobacco, on account from one defendant, and two-hundred and ninety-six pounds on behalf of the same client, as plaintiff in the second, from the famous Captain Thomas Cornwallys.

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Draper's authority was in a letter that John Lewger attests thus: "February 15th, 1643, came afore me, Peter Draper and exhibited a letter of attorney from Leonard Calvert, Esq., etc., under hand and seale, authorizing him to demand and receive for his said Leonard Calvert's use all or any debts due unto the said Leonard Calvert by bond, tolls, or account, or any other waies, in money, beavers, tobacco, or corne, and upon receipt of the aforesaid debts for his use to give discharge for what is received."

Mr. Draper did not long serve as the attorney of Governor Calvert, for, by the proceedings of court, we find that he was already departed this world by the 11th of May, 1644.

CAPTAIN THOMAS GERRARD, Attorney-at-Law.

In March, 1639, Mr. Gerrard was made a conservator of the peace in St. Clement's hundred, in St. Mary's. On the 29th of October, he was given a commission to use force against certain Indians who were pillaging in the province. November 17th, 1643, Mr. Gerrard was appointed a member of the Governor's Council, he being at this time a practicing lawyer.

In the year 1657, Mr. Gerrard fell into divers temptations and yielded to the blandishment of strong drink, and, as charged in the information of his Lordship's Attorney-General, Richard Smith, betrayed the secrets of the debates in the Governor's Council, "aymeing at his owne greatness which, in unsettled times, he might uphold, when by the sad distractions of this province, no one party could, for the endeavors of the other, such factious spirits sufficiently control, false and scandalous speeches and reports hath cast abroad, insinuating cunningly unto the people that the Governor would yeald unto anything, (how prejudiciall to that party, that had, as friends asserted his Lordship's just rights,) requested by the people at Ann Arundell, then and there saying the Governor would give them anything, or words to that effect. Which words, so full of malice, cunning, and covertly uttered to sett our wounds, even then scarcely healed, fresh on bleeding and to embroile the country in worse and more dangerous distempers." Then the information charges that the words amounted to mutiny and sedition. Mr. Gerrard insinuated that Governor Fendall took half the Lord Proprietary's rents in collecting them, and finally announced that he would not sit with such rouges as composed the Governor's Council, and particularly charged that three of the Council were in secret league with his Lordship's enemies, the people of Ann Arundel, who had recently usurped governmental powers that belonged to the Lord Proprietary.

Depositions follow as to Mr. Gerrard's condition on the day of the utterance of the seditious speeches charged. Mr. Henry

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Coursey deposed that "he was on board Covill's ship with Mr. Gerrard, that Mr. Gerrard had drunke something extraordinary, but was not much in drinke, but he could get out of a cart's way, and further saith not."

Mr. Gerrard was banished from the province, and his whole estate confiscated. In 1660, he sued for pardon. This was granted on condition that he pay certain charges, and one hundred pounds in money, and five thousand pounds of tobacco, and that he be ineligible as a member of the House of Burgesses. Mr. Gerrard was the gallant but unfortunate Gerrard who was captain in Governor Stone's forces when he lost the battle of the Severn. Captain Gerrard was about to be executed after the battle by the Puritans, but some good women saved the lives of six prisoners, and amongst them that of Captain Gerrard.

GEORGE MANNERS.

Mr. George Manners, another early Maryland attorney, was a member of the General Assembly of 1647-48. In 1650 Mr. Manners was allowed two hundred pounds of tobacco as coroner's fees and "other paynes," in an administration account. He made his mark as did our brother James Cauther, and it is reasonable to believe that this custom was not an absolute proof of illiteracy, for immediately after making his mark, Mr. Manners appears as the attorney of John Underhill and John Gwither who appointed him to be their lawful attorney to defend all suits in court. Certainly, a man, capable of defending suits in court, must have had the ability to write. Mr. Manners was blessed with many briefs, and frequently does his name appear as the attorney in suits docketed in the Provincial Court. In 1649, in a case in which Mr. Manners was attorney, it is found that the pleas in cases for the first time began to be more definitely stated, or more fully recorded than formerly.

JOHN WEYVILL, Attorney.

November 2d, 1642, John Weyvill appears as the attorney of John Hollis and William Hardige. At this court there was a number of attorneys who appeared to be attorneys in fact for the prosecution of some particular suit, and not regular practitioners of law. Mr. Weyvill, by the number of suits he represented on the docket, rises to the dignity of an attorney of law.

THOMAS NOTLEY, Attorney-at-Law.

In 1662, Thomas Notley, a member of the Legislature, entered as a new attorney-at-law. He was the counsel of several leading citizens, amongst them Captain Thomas Cornewallys, Dr. Luke

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Barber and Thomas Gerrard. On page 528, of the proceedings of the Assembly of 1664, will be found a paper setting forth an assignment of errors in a cause depending between Marmaduke Snow and Thomas Gerrard in relation to a suit on a bond. Mr. Notley treats Mr. Snow's petition for redress in quite a Pickwickian manner, and declared it was only written to amuse the court.

MARKS PHEYPO.

Marks Pheypo, July 16th, 1648, was entered on the court rolls as the attorney of Richard Jones, of the Isle of Kent, who sued Robert Somkin "for five hundred pounds of cassed tobacco."

Wm. Harditch was another practicing attorney of this period, 1648, as was also Thomas Matthews.

GILES BRENT, Attorney-at-Law.

In 1642, Attorney-General Lewger had the most important suit of his term of office—that of instituting proceedings against Mr. Giles Brent, a leading citizen and prominent lawyer of that day. Mr. Brent was charged with "having moved and propounded to the Lieutenant-General in an enterprise upon the Susquehannocks," and abandoned it on the ground of "illegalities then found in the commission, which illegalities, nevertheless, upon some new thoughts, *he easily swallowed*, and issued warrants for twenty soldiers."

Mr. Brent, while these proceedings were pending, made over all his goods, chattles, and estates to his sister, Miss Margaret Brent.

Mr. Brent, as his own attorney, put in such a vigorous answer to the charges made against him by Attorney-General Lewger, that they were expunged from the records, "*because they were of such a scandalous character.*" But Mr. Brent was a fighter. He wanted a full record of the proceedings kept because he intended to have the matter against him "enquired of by counsell, learned in the law of England, whether I have had wrong in the judgment passed against me in the court yesterday, being the 7th of November, or whether, or not, in the opinion of such counsell I have wrong in it, I intend to seek my right at the hands of my sovereign, the King, and for this reason I desire that my answer and the complaint against me, and the judgment and all other proceedings in the cause may still remain upon the records."

Mr. Brent's standing as an attorney was not injured by the proceedings against him, for he appeared shortly afterward with several powers of attorney to prosecute suits, one being from a client in Kent, and another from a client in Virginia, and a few years afterward he became the Attorney-General of the province

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itself. In 1647, while acting as the Attorney-General, he was called upon for an opinion on this question—Lord Baltimore having died, "Was the administratrix of Leonard Calvert, his Lieutenant-General and Governor of the province, the representative of Lord Baltimore in Maryland?" Mr. Brent gave opinion that she was until some other representative was appointed. Mrs. Margaret Brent, being the Governor's administratrix, became the legal representative of Lord Baltimore's estate in the province, and right royally did she maintain the rights of the Proprietary's estate in every direction.

Indeed, the new woman had early asserted herself in Maryland. February 22nd, 1647, Mrs. Brent had appeared in court with letters of attorney from both Mark Cordea and Thomas Stone.

At this time, 1648, Mr. Brent alternately acted as his Lordship's attorney, special judge, advocate in civil suits, and Governor.

MRS. MARGARET BRENT.

Another interesting character had now flashed athwart the bright page of Maryland history—Mrs. Margaret Brent. Mistress by the gallantry of the men of Maryland, who thought when honorable age came to an unmarried maiden, then she should be dignified with the title of madam. So then this Mrs. Brent was Miss Margaret Brent, sister of Giles Brent, sometime Governor of Maryland. Her appearance in the Provincial Court began in 1642, when she made frequent demand of the court to assist her to collect her personal debts, but later in its records she appeared as the attorney of the Lieutenant-General, and, as such, was docketed in court, and was, therefore, the first woman lawyer in the United States, and, doubtless of the world, if we except the lovely Portia who withstood, so successfully, the claim of bloody Shylock.

The first case of Mrs. Brent was, when armed with a power of attorney from Fulke Brent, she demanded three thousand pounds of tobacco from Marmaduke Snow, and the same day had a warrant issued to attach that amount of tobacco then in the hands of William Popes. A few days later Mrs. Brent appeared with a power of attorney from Edward Packer, and demanded of Robert Kedger, four hundred and sixty pounds of tobacco. It was, however, as the administratrix of Governor Leonard Calvert, that the woman lawyer of early Maryland obtained her greatest historical prominence, and, in that capacity, she frequently appeared in the courts, and later invaded the General Assembly and demanded right to vote in that body as the representative of the Governor's estate and one for herself—two votes

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for one woman! This right was denied; but, in court, she was one of the most active attorneys of her day, her name appearing over and over again in cases of interest and importance.

In every respect Mrs. Brent discharged the duties of attorney in cases entrusted to her with that fidelity and punctuality that become the members of an arduous and responsible profession.

Civil, criminal and testamentary business, with coroner's inquests and grand jury proceedings docketed between, were all transacted by the judges of the Provincial Court, sitting sometimes as a Provincial Court and again as a County Court. The chameleon color of the proceedings gave a zest, no doubt, to the Pilgrim auditors, little less refreshing than that induced by conning over in these latter days these quaint proceedings of a peaceful but heroic age. Indeed, so kindly disposed to each other were the settlers of "the land of the sanctuary," that the editor of the fourth volume of the Maryland archives, says:

"One feature that cannot be overlooked, is the singular absence of crimes of violence. Leaving out of view the little sea-fight at Pocomoke, the offences against the person, consist of two homicides and one (unprovoked) battery. In the case of the homicides both the victims were Indians; and it is interesting to see how careful the court was to allow no partiality to interfere with justice; a jury who doubted whether "pagans" had the same standing in the court as christians, being promptly dismissed and a new trial ordered."

While happily free from the dark and sensational crimes that now are prosecuted in our courts today, the Provincial Court of Maryland, with the whole judicial system of the province, is far from being a dull and unprofitable study.

The justice of the peace was the primary court. February 9th, 1637, a commission was issued from the Maryland Council "to Robert Philpot, William Cox and Thomas Allen, of the Isle of Kent, gentlemen, to be justices within said Island and to hear and determine all offences, criminal, within said Island, which may be determined by any justice of the peace in England, not extending to the loss of life or member.

There was an appeal from the decisions of justices to the Provincial Court, though no appeal from a court leet appears upon the records. What code of laws the court had to administer, had, as early as 1637-8, been the subject of controversy between the Governor and the House of Burgesses, and the conclusion was reached that wherever the laws of England were applicable, they should govern the case. "In confirmation of this construction of the foregoing proposition," says Mr. Bozman, "we are to observe,

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that, in a few days after the Assembly rose, courts of justice were held at St. Mary's, in which the proceedings appear to have been in exact conformity to these laws. A court 'for testamentary causes,' composed of the Governor and Council, was held on the 12th of February, in which letters of administration were granted on the estates of divers deceased persons, and proceedings had as in the same kinds of courts in England. On the same or succeeding day, a court called in the records, a County Court, was holden before the Lieutenant-General, Captain Robert Winton and Mr. John Lewger, at which a grand jury was impanneled and sworn, and two bills of indictment for piracy and murder were sent up to them, and true bills found. These indictments appear to have been drawn according to the English precedents and the technical phraseology used in them according to the established practice of the criminal laws of England."

In some cases, the bench of the County and Provincial Courts, at St. Mary's were composed of members of the Governor's Council, and they sat alternately as these separate courts as business required them. Wills were probated and administrations ordered by the Governor's Commissioner.

The first statute that relates to Attorneys-at-Law was ch. 41, Act of 1715, and it enacted "that no magistrate, sheriff, clerk or deputy clerk, should plead as an attorney, and that no person shall practice law in any court of this province, without being admitted thereto by the justices of such court, who had power to suspend also." It severely punished attorneys who neglected their duties and fixed for them a rate of fees, under heavy penalties.

The early justices had no respect for the prejurer and for that offence John Gonoore was "nailed by both ears to the pillory, with three nails in each eare, and the nailes to be slit out, and afterward to be whipped with twenty good lashes, and this to be exequated immediately before any other business of court to be proceeded upon." For a similar offence Blanch Howell was adjudged to lose both ears.

CONTEMPT OF COURT.

The provincial courts allowed no contempts to pass unpunished. An information was filed against George Pye, on February 13th, 1643, charging that while the court was "importunately pressing and charging the jury that were upon the triall of John Elkin, to proceed according to their evidence and conscience, and arguing and pleading the crime against the prisoner at the bar, the said George Pye, in an insolent manner upbraided and reproached the whole court in these, or the like words, *viz:* that if an Englishman had been killed by the Indians, there would not have been so

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much words made of it, or to that effect, to the great contempt and scandall of the court, and the ill example of others." Pye declared that he did not speak the words alleged, but upon the testimony of Mr. Thomas Greene, he was found guilty and fined one thousand pounds of tobacco.

Walter Beane for swearing "by God," in the presence of the court was fined five pounds of tobacco.

Mr. James Neale, for not putting in an answer to a charge of his Lordship's attorney at the time appointed by the writ, was suspended as one of the Council of the Governor.

An amusing contract was recorded in the proceedings of the Provincial Court on the 24th of September, 1657, "wherein Peter Sharpe and Judith Sharpe contracted to remove their daughter, Elizabeth Gary to the house of Mr. Thomas Davis, at the Cliftes, and there she is to remain for the space of six weeks, and Robert Harwood is to have during all the said time, full, free and perfect liberty, bringing one or more of the neighbors with him, to have all freedom of discourse with the said Elizabeth Gary and to use all fair and lawfull endeavors with her to marry or contract marriage to and with the said Robert Harwood, one or more of the neighbors being always present with the said Robert Harwood and Elizabeth Gary when they are in company together; the said Robert Harwood paying for the said Elizabeth Gary, her entertainment during her stay at the said Thomas Davis, his house."

These then were the priests who ministered first at the altars of Justice in Maryland—John Lewger, James Cauther, Giles Brent, Cyprian Thoroughgood, Cuthbert Fenwick, Peter Draper, Thomas Gerrard, George Manners, John Weyvill, Thomas Notley, Marks Pheypo, William Harditch, Thomas Matthews and Mistress Margaret Brent.

These in the colonial period were succeeded by such men as Daniel Dulaney, John Hanson, Charles Carroll, barrister, Charles Carroll of Carrollton, Luther Martin, Thomas Johnson, William Paca, Thomas Stone and Samuel Chase.

After the revolution the Bar of Maryland was honored with the presence of William Pinkney, Reverdy Johnson, John Nelson, J. J. Speed, to be followed by Roger B. Taney, John V. L. McMahon, Otho Scott, Richard Sprigg, John Rogers, Theodoric Bland, Alexander Contee Hanson, Gabriel Duvall, Robert Smith, William Kilty, John Johnson, John Glenn, James L. Bartol, Cornelius McClain, Hugh McCullough, Thomas S. Alexander, Robert J. Brent, John H. B. Latrobe, Severn Teackle Wallis, Thomas Donaldson,

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George Hawkins Williams, William H. Tuck, Ezekiel Chambers, James Alfred Pearce, Enoch Louis Lowe, William Walsh, I. Nevitt Steele, Henry Winter Davis and John J. Creswell.

Deep have been the influences that Maryland lawyers have exerted in behalf of the nation. It was a Maryland lawyer—Samuel Chase—of whom it was said, he was "the torch that lighted up the revolutionary flame in Maryland." It was a Maryland lawyer—Charles Carroll of Carrollton—who, by the vigor of his language and advanced ground of his position in the early stages of the contest between the mother country and the colonies, startled even his own friends, as he encouraged the opening bud of revolt into the full flower of revolution. It was a Maryland lawyer—William Pinkney—that brought the art of American diplomacy to a recognized science and of whom the great Webster said "He was the greatest of American advocates." They were four Maryland lawyers who signed the Declaration of Independence on the part of this colony. It was a Maryland lawyer—Thomas Johnson—that nominated George Washington to be the commander-in-chief of the continental armies, and that same Maryland lawyer, as Governor of Maryland, always replied to Washington's greatest needs by abundant supplies, and when the father of his country was in sorest distress, placed himself at the head of a new division of the invincible Maryland Line and marched to his relief. It was a Maryland lawyer—Luther Martin—who, while the Federal Constitution was yet depending before the people, warned his native State, with the foresight of prophecy, of the weaknesses of the instrument, that led to the very disasters he predicted. It was a Maryland lawyer—Roger B. Taney—as Chief Justice of the United States, who, in a sublime effort to ward off the "irrepressible conflict" threw the ægis of decision from the highest tribunal, about the throes of civil and political commotion. It was a Maryland lawyer—John V. L. McMahon—who wrote the charter of the first trunk railway in America, the Baltimore and Ohio, and, through his untiring energy and far-seeing abilities, was secured the legislation and appropriation from the State that made that project possible. It was a Maryland lawyer—John H. B. Latrobe—who encouraged Morse and secured him the pirvilege of building his first telegraph line along the route of the Baltimore and Ohio. It was a Maryland lawyer that wrote the "Star Spangled Banner." It was a Maryland lawyer—Reverdy Johnson—who obtained, first from Great Britain an acknowledgment of those higher international principles that settled the great controversies with her that grew out of the civil war. Five Maryland lawyers—John Nelson, Robert Smith, William Pinkney, Roger

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B. Taney and Reverdy Johnson—have been Attorneys-General of the United States. Three Maryland lawyers—George Manners, Cuthbert Fenwick and Thomas Matthews—supported the greatest act of religious toleration passed in any age—the Maryland Act of 1649, and a brave Maryland lawyer—Henry Winter Davis—during the mighty and passionate throes of civil commotion, led the heroic forces in Congress that placed a proviso in the Military Appropriation Bill of 1865, that no part of the money so appropriated should be used to pay for courts martial to try civilians for offences not committed against the military regulations of the country! and Maryland lawyers have, at all epochs of the country's history, been wise in its deepest councils, and influential in its broadest policies.

While it is not for those who follow to say of the living Bar of Maryland who of its membership have maintained its inherited reputation for learning, ability, and professional integrity, yet, we who feel its reputation is our reputation, its achievements our achievements, its spotless honor our sacred heritage to maintain in all its purity, may, as we stand here today on the shores of Worcester and look upward over the fair fields of Eastern and Southern Maryland, to the grand hills of Alleghany and Garrett, say that we, too, shall bequeath to our successors in our noble profession, some whose names will color with brilliant hues the rich fountains of American history.

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SOME CHARACTERISTICS OF THE PROVINCIAL JUDICIARY, WITH MODERN FOOT-NOTES.

By Hon. CHARLES E. PHELPS.

Maryland has been richly endowed with state histories. In view of the fact that several of these have been written by lawyers, it is a matter of some surprise that in none of these state histories is there to be found a satisfactory treatment of the Provincial Judiciary, and particularly of the old Provincial Court.

McMahon's History of Maryland, as is well-known, is but a fragment. Its author had the common experience of all those who invest great toil and much brains in a work professedly circumscribed, and local in its interest. After publishing his first volume, the result of an immense expenditure of eye-sight in deciphering musty and crabbed manuscript records, and of wearisome drudgery in the pioneer work of blazing a path through the tangled undergrowth of colonial times, he was naturally discouraged at the meagre recompense he found awaiting him, whether in profit, or in fame. No second volume ever saw the light. The plan of his work, so far as developed, indicates that this unedited second volume would probably have contained an exhaustive survey of the evolution of Maryland judicature, including as a prominent and central feature, an instructive sketch of the origin and growth, character and methods of the Provincial Court.

The work which dropped unfinished from the strong hand of the master has never been taken up by a successor. There is a reference by Bozman to the legislation of 1639, creating a County Court and a Pretorial Court. To him we owe the suggestion that these two several jurisdictions, exercised by the same judges, became in process of time identified under the denomination of the Provincial Court, for the establishment of which, under that name, no Act was ever expressly made. (2 Boz. Hist. Md., 131-132.)

None of the later historians found it within their scope to bestow any systematic attention upon the subject.

In the first edition of Evans' Practice, there are incidental allusions to the Provincial Court which assume that the reader already

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knows all there is about it that is worth knowing. Even the learned and copious Chancellor Bland seems to have found no occasion for turning in that direction the powerful search-light of his laborious and minute investigation. The only reference in point that I have been able to find, occurs in the course of an opinion delivered by him in 1816, when he was associate judge of what was then the sixth judicial district, in a certain equity case of Evans *vs.* Randall. This opinion was printed in a pamphlet of ninety-four pages. About one-half of this space is occupied with an elaborate argument against the right of the judiciary to declare void an unconstitutional legislative enactment, and then, conceding the affirmative of the proposition disputed to have been settled by authority, Judge Bland enters upon an exhaustive review of the Act of 1814, ch. 94, investing the county courts with concurrent equity jurisdiction. He pronounces the Act to be unconstitutional and void, declines as a judge to accept jurisdiction under it, until overruled by superior authority, but, inasmuch as all parties were anxious to have the particular case before him decided, he decides it. On page sixty-eight, the judge takes what he calls a "glance at the judiciary as it existed under the proprietary government, just before the establishment of the republic," and for what limited information I have been able to obtain from this "glance" I desire now to give full credit.

There is one expression in this ponderous but inconclusive opinion which will bear quotation as worthy of Dr. Samuel Johnson. In finding occasion to refer to the futility of the remedy in damages against an insolvent party, he speaks of him as "shielded by invulnerable indigence."

Among the unedited manuscripts in the possession of the Maryland Historical Society, there is a monograph upon which is inscribed in the neat handwriting of John P. Kennedy, the following title: "Notes for a History of the Early Judiciary System of Maryland, in the original manuscript of Thomas Gwynn Harris, presented to the Maryland Historical Society by John P. Kennedy, May 15, 1857."

There is internal evidence that these notes were designed for use in preparing an introduction to Harris & McHenry's Reports, giving an "account of the original formation of the courts under the proprietary government, with the several changes which took place therein," in fact, an "outline of the juridical history of the province." It is much to be regretted that this design failed of accomplishment, presumably for the reason assigned by Mr. Harris in the short preface from which the above quotations are made, namely: "The imperfect state of the records."

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Upon examination, these notes are found to consist mainly of references to Acts of Assembly relating to courts, with some attempt at classification, preceded by citations from the Royal Charter of 1632, containing the ample and practically unlimited grant of judicial power to Cecil Calvert and his appointees, and also citations from Cecil Calvert's commission of 1637 delegating judicial power to his brother, Leonard Calvert, and his appointees. These notes are very sparing of comment, and furnish little information that is not to be found elsewhere, in more available form.*

Unlike the sturdy Provincial Court, which weathered the storms of civil war, revolution and counter-revolution, English and domestic, for over a century, which has left enduring monuments and stamped its impress visibly upon the jurisprudence of the state, the old Manorial Courts were of exotic growth and ephemeral existence, and with no roots firmly struck into the soil, were destined to be supplanted by County Courts, better adapted to the spirit of the age and the wants of society. Their disappearance was early and complete, and the only trace of them remaining on paper is to be found preserved in the archives of the Maryland Historical Society. The quaint manuscript referred to contains the proceedings of the court baron and court leet of St. Clement's Manor, and is supposed to be the only record of the kind extant. It has been made the subject of an exhaustive study by John Hemsley Johnson, Esq., of the Baltimore Bar, and in the result of his work entitled "Old Maryland Manors," published under the auspices of the Johns Hopkins University, is to be found all that is known on the subject of the Manorial Courts, presented in the usual attractive style of the author.

To the inspiration of the same young and progressive university we are also indebted for two valuable monographs, one from the pen of Lewis W. Wilhelm, Ph. D., upon the "Local Institutions of Maryland," and the other from Francis E. Sparks, Ph. D., entitled "Causes of the Maryland Revolution of 1689." The former treats to a limited extent, of the old County Courts, and the latter, incidentally, introduces a brief outline sketch of the Provincial Court, to which I take this occasion of acknowledging my indebtedness. Professed exposition, systematic treatise or commentary, there is none to be found anywhere.

This, all but unanimous silence of the commentators, is now emphasized by the fact that the ancient records and memorials of the province have within the last few years been carefully deciphered, skillfully edited and placed before the public in the attractive form of the "Archives of Maryland," published by the state, under the

*Referring particularly to the recently published Archives of Maryland.

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auspices of the Maryland Historical Society. Of the sixteen quarto volumes thus far issued from the press, two are occupied with the proceedings of the Provincial Court from 1637 to 1657. The rich mine of original and unclassified information contained in these proceedings, remained in its primitive state, unexploited and undeveloped in any available form until the report of the Committee on "Legal Biography," at the present session of the Maryland Bar Association.

It may possibly be suggested that the Maryland Provincial Court has been for considerably more than a century a back number; that to the present generation there can be no practical utility in an inquiry into its obsolete functions and long forgotten forms; and, that at best, it can hardly be expected at this late day to be the subject of more than a languid antiquarian interest.

All such flippant and superficial notions may be summarily dismissed as unphilosophical and out of line with the spirit of the times. Such cavils are themselves not up to date. An age of progress and reform is also remarkable as an age of minute retrospective inquiry. In almost every state, notably in the state of Maryland, there is a growing demand for organized effort to rescue from oblivion the memorials of the past.

Patriotic societies of men and women, under variously suggestive titles, are everywhere working on converging lines to restore and preserve even obsolete personal details of colonial and revoluntionary interest. In several of the more important states of the Union, historical societies are engaged in a generous competition in the common enterprise of unearthing buried annals of colony or province. It has only been within the last two decades that the patient and profound German method, by original investigation of primary data and documents, has, in the leading American universities, been preferred to the old fashioned study of history by means of compilations at second hand. Both here and elsewhere, no fact is better understood than the leading part, in fact the pioneer agency, in the American application of this radical instrument, assumed by the Johns Hopkins University.

The same spirit of microscopic or telescopic research is especially noticeable in recent legal literature on both sides of the Atlantic. It is only necessary to recall the learned investigations of American jurists, such as Holmes, Thayer, Ames, and Bigelow, the monumental work in England of Maine, Stubbs, Pollock, and Maitland, and the labors of continental scholars like Ihering, Brunner, and Liebermann; in order to realize something of the range of contemporaneous activity in reconstructing from long forgotten fragments the obsolete fabric of a crude and primitive jurisprudence.

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The petty transactions and modest law suits of the St. Mary's and Kent Island settlers, recorded full length in the Maryland Archives, are certainly nearer in time, and nearer of kin to us than the much-quoted customs of Britons and Teutons handed down by our old friends Cæsar and Tacitus; and in tracing the originals of our law to their head-springs, whether in those customs or in the doubtful vestiges of the Roman forum supposed to have been left in England by Papinian, or imported there by Vacarius, or in the feudal lore of medieval codes, we are not altogether to lose sight of a comparatively modern link in the chain of tradition to be found only in the proceedings of the Maryland Provincial Court.

The expectation, of course, is not entertained that in such a paper as this any attempt to fully supplement the deficiency indicated, can be successfully made. An adequate development of such a subject would amount to nothing short of a work of reference, involving the systematic presentation of a mass of detail, altogether beyond the time-limit, to say nothing of the patience-limit of the occasion. What has gone before will be taken only as suggestive of a new and inviting field of research still open to future investigators. What is to come after, will be a brief commentary from the modern standpoint upon two or three somewhat neglected features in the practical working out of the provincial judiciary system, incidentally suggesting some collateral or tangential lines of thought, more or less relevant.

As a starting point it may be well to begin with such few items of common information upon the subject as are already well-known, at least to the profession.

The Maryland Constitution of 1776, after establishing a Court of Appeals and the office of Chancellor, provided that "three persons of integrity and sound judgment in the law be appointed judges of the court now called the Provincial Court, and that the same court be hereafter called and known by the name of the General Court."

Here we have authentic organic recognition of the Provincial Court in the formal sentence of its dissolution. We particularly note this official recognition of it in the same breath of revolution that blew it out, since it has been already mentioned that by no Provincial Act or Ordinance was any court of that name ever established.

For the recorded results of its judicial work we naturally turn to the early volumes of the reports. In 1 H. & McH., and in the appendix to 4 H. & McH., there appears quite a respectable number of cases scattered somewhat irregularly among the years of the century and more between 1658 and 1776. The proceedings prior to 1658 have been amply supplied by the two volumes of Maryland Archives before referred to.

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On this question of dates, it may be worth while to note, incidentally, that outside of Maryland, the most ancient American judicial records in print, are Jefferson's Virginia Reports, in one small volume, the series beginning with 1730. Next come a very few Pennsylvania cases preserved in 1st Dallas, starting with the year 1754, and Quincy's Massachusetts Reports going no further back than 1762. It seems the more proper that attention should be called to this comparison of dates, from a singular error of Mr. Wallace, in his excellent and entertaining work, "The Reporters." Mr. Wallace dates the ante-revolutionary reports of Maryland only as far back as 1700. How this learned and usually accurate writer managed to fall into this error of a half century or thereabout does not appear. Certain it is, notwithstanding, that for Maryland may be claimed the unique distinction, whatever it may be thought to be worth, of contributing to the legal literature of the country the most ancient series of reported cases extant; and if the proceedings of the first twenty years of the Provincial Court, now in print, are tacked on, as they well might be, to 1 H. & McH., we find that the earliest judicial records of Maryland antedate those of Virginia, the next in order of priority, by ninety-three years; those of Pennsylvania by one hundred and seventeen years, and those of Massachusetts by a full century and a quarter.

Perhaps the first impression made upon the mind of the lawyer who looks through these old reports is the entire absence of anything like judicial reasoning. The conclusion reached by the court is uniformly expressed in the briefest formula, with no attempt at what is called an opinion. This remark is applicable not only to the cases decided by the Provincial Court, but also to cases in the Court of Appeals, and to the few probate cases appealed from the Commissary General or Prerogative Court to the Court of Delegates.

This absence of judicial reasoning leads to the suspicion that the judges of that day were not lawyers by profession.

There exists direct evidence to this effect in the observations of the celebrated Daniel Dulany, upon the judgment of, the Provincial Court in the case of West *vs.* Stigar, 1 H. & McH., 247 (1767). The dissatisfied counsel in that case, pending, or in anticipation of, a writ of error applied to Mr. Dulany, the great oracle of the day, for his opinion, and elicited a very full one, beginning as follows:

"On perusing the record, I am strongly of the opinion that the judgment of the Provincial Court ought to be reversed, but what may be the opinion of the Court of Appeals I should be more confident in predicting if the judges were lawyers by profession than I am on the consideration that they are not."

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It would appear from the observation quoted that among the beliefs entertained in the last century an impression prevailed in intelligent quarters that if a court (any court), was only composed of lawyers by profession, it would be possible to predict its decisions. And yet these reports furnish no evidence that these same people also believed in witches. Illustrious shade of Daniel Dulany! Hast thou heard yet of the Legal Tender Cases or the Income Tax Cases?

While it is true that law is not an absolutely exact science, and that its principles and precedents afford no infallible criteria for the practical purposes of prediction in all conceivable cases, at the same time it is to be remembered that however large apparently may be the volume of litigation at any one time, involving to a greater or less degree the element of uncertainty, all this is after all a mere surface fluctuation. Ninety-nine out of every hundred practical questions arising out of the ordinary business life of the average man are not real questions of difficulty or doubt, but simply so many opportunities for negligence to blunder out of the common rut which is too well-worn to be mistaken by ordinary diligence, experience, and intelligence. Of the comparatively small number of what may be called business difficulties calling for professional advice, it is within the experience of every counsellor that, in general, the difficulty will be found upon examination to consist either first, in uncertainty or difference of recollection as to the facts, leading to mistaken or perverse conflict of testimony; or secondly, vagueness or ambiguity of language used in contracts, wills or statutes; or thirdly, in the application of well-settled principles to new and exceptional combinations of circumstances. There may be in addition to these the occurrence at very rare intervals of some question, important when it does occur, of doubtful constitutional construction or some question involving the shifting element of public policy, and more or less at the mercy of the "personal equation," or "judicial legislation."

Upon such questions, whether of fact or law, there must always be room for difference of opinion, and it is out of such questions, really a very insignificant quantitative factor in the world's daily life—hardly more than the foam tossed up by the massive movements of the great deep, but like that foam more obtrusively conspicuous than the depths below—that once in a while a case arises which baffles prediction. All these exceptional cases it is to be remembered, are massed and dumped upon the courts, and from a trifling percentage of these exceptional cases on which public attention is thus concentrated, the hasty and fallacious generalization is sometimes drawn which finds expression in the popular sneer at the "glorious uncertainty of the law."

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Law is not as exact a science as geometry, which deals with the conventional symbols of dead form and matter, but it is as certain as professional medicine, as polemic theology, or as the military art. The principles of law sometimes, the maxims of equity often, may have to yield to the pressure of special circumstances, and the same is true to a greater degree of war. Stonewall Jackson made his reputation by systematically violating the principle which forbids a flank march across your enemy's front, and Grant finally achieved success after long defiance of the maxim, "Never do exactly what your enemy wants." The judgment of the counsellor and the judge is often determined by much the same process of reasoning as that which influences the decisions of the general, with the great advantage of more certain data. The problem that presses for solution upon each of them is, how far exceptional or unprecedented circumstances warrant an exception of the particular situation from a general rule. The mere statement of the proposition shows that for such problems of judgment there can exist in the nature of things, no arbitrary formula of certain application, and hence no criteria of infallible prediction.

From the circumstance which indirectly suggested this digression, the non-professional character of the provincial judges, it might be inferred that their decisions upon general principles have not been regarded as entitled to the same authority as those upon the construction of provincial statutes or customs. The same was the case in Virginia, where, as we learn from Mr. Jefferson, in the preface to his reports, the General Court consisted of the "Kings Privy Councellors only, chosen from among the gentlemen of the country for their wealth and standing, without any regard to legal knowledge." He remarks that their decisions on English law were not as authoritative as those on the peculiar laws of Virginia. "As precedents," he adds, "they established the construction of our own enactments, and gave them the shape and meaning under which our property has ever since been transmitted, and is regulated and held to this day."

We find the decisions of the Maryland Provincial Court or Courts as much neglected to-day as those of the Year Books, and for much the same reason. So much of their substance as has not been worn out by time or rejected as authority has been absorbed in modern re-statements of the law.

A less attractive feature of the Provincial Judiciary than even their want of legal learning was their lack of official independence. Like all other provincial incumbents, the provincial judges from the highest to the lowest, held their positions at the pleasure of the appointing power, the Proprietor, or his deputy, "the Governor," for

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the time being. They were consequently looked upon as his creatures, or as Mr. McMahon expresses it as his "satellites," "the mere breath of his nostrils." (McMahon's Hist. of Md., 157, 309-311; Calvert *vs.* Eden, 2 H. & McH., 345-360.) In all controversies in which the interests of the Proprietor, or even the private interests of his dependents or favorites were involved, they occupied a weak and most unfortunate position. Whether justly or not, they were always liable to the suspicion of influence and favoritism.

This habitual and suspected attitude of the Provincial Judges as minions of power could not fail to make a deep and lasting impression upon Maryland public opinion. All eyes were naturally turned to the jury as the real bulwark of public and private rights. Although summoned by sheriffs, who were themselves also removable at pleasure, jurors naturally shared the sentiments and reflected the opinions of the mass of the community from which they were drawn, and into which they were speedily to dissolve. Traditional confidence in the jury and jealousy of the court has in Maryland found organic expression in the provision, in sharp contrast with the federal jurisprudence of the United States, that "in the trial of all criminal cases the jury shall be the judges of law, as well as of fact." (Const. Art. XV, Sec. 5.) It has left other deep and permanent traces upon the daily practice in all our courts. The usage which prevails in England and in many of these states, both in civil and criminal cases, of a summing up of the evidence in a charge by the court, has no existence in Maryland, where anything in the nature of a judicial balancing of evidence, or comment upon the weight of the testimony or the credibility of witnesses is scrupulously avoided. In criminal cases the court, as a rule, does not undertake to instruct the jury as to the law at all, even at the request of counsel, and when the court does advise the jury, at their own request, such opinion is always carefully guarded by some expression to show that it is not to be taken as binding, but as advisory only.

Considering the length of time it has been under fire, and the storm of abuse which for many ages it has provoked from defeated litigants, the venerable palladium not only still lives, but may be congratulated on presenting a remarkably healthy and robust appearance. It is certainly a great convenience, after you have lost your verdict, and the gentlemen of the jury whom you have complimented upon their unusually high order of intelligence and patient attention have vanished into the unknown, to have at hand so inviting a subject for denunciatory eloquence when you come to argue the motion for a new trial. Our practice is more liberal than that under old French law, which only allowed the suitor who lost

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his case twenty-four hours *pour déclamer contre l'arrêt*, and confined the privilege to the nearest tavern. (Causes Célèbres.) (La Revue de Paris, 1 Dec., 1895, p. 500.)

It is the result of my experience that much of the complaint against the stupidity and the prejudice of juries is exaggerated, and that much of it that is admittedly well-founded is capable of being removed. The real trouble is to be found in the general shirking of jury duty by a large class most qualified for it. The most vociferous complaints come from corporations failing to realize their own responsibility for keeping off the panel a large mass of the most intelligent service by securing the exemption of their officials. The jury list ought to be fairly representative of all interests and all classes. With a very large interest almost wholly unrepresented what is to be expected but a lopsided panel?

Some gentlemen I hope may be present who will be influential in shaping future legislation. Let me call their attention to the impoverished condition of the jury service in the City of Baltimore by reason of the military exemption. There is no man more heartily in favor than I am of fostering the military spirit of the state by all proper encouragement to its volunteer organizations. It would be unreasonable to expect the young men who are willing to give their time and labor to this important and indispensable public service to sustain also from their slender means, its whole financial weight. The state ought to contribute to the adequate support of the military service. But it is bad policy to trade off one public duty of the citizen against another. In the City of Baltimore this grievance has gone so far that exemptions from jury duty are purchased upon the annual payment of only ten dollars to the military fund. If this policy is to be continued it certainly ought to be amended. The amount should be increased to a reasonable figure and the exemption should in no case extend to service upon the grand jury. With these amendments, and the enforcement of the present limitation of the number of honorary members to the number of active members of the Maryland National Guard, the evil might be made more endurable, although the proper thing would be to abolish the honorary exemption entirely, and frankly recognize the volunteer service as a public institution to be supported by the state.

While to the lessons of provincial experience can be distinctly traced the trend of public opinion in Maryland in securing the independence of the jury from the possible undue influence of the court, account is to be taken of the same provincial tradition as a factor in the development of the peculiar sensitiveness of our people as respects the independence of their judges from the undue

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influence of power. In no state is the popular nerve more acute, or the popular instinct more alert to the danger and disaster incident to the possible prostitution of such delicate and far-reaching functions as those necessarily confided to the courts of law and equity.

It is in recognition of this sentiment that in Baltimore the judges, at least since 1882, have made it a rule to avoid soliciting influential persons for personal favors in the appointment of friends to political office. Favors of this kind are tacitly understood to imply reciprocity of obligation.

It is very much to be regretted that such a system as the distribution of personal favors in the shape of free passes or blanks by transportation, express, telegraph and other companies, always anxious to extend or solidify their influence, should have been allowed to attain its present dimensions. There is no record evidence of it. No statistics upon the subject can be found. For a sufficiently obvious reason it is a subject seldom stirred in halls of legislation, or in the columns of the public press. For even a casual allusion to it, in a very moderate way, I shall probably be charged with unconventionality, if not indelicacy.

At the outset of the era of the incorporation of all such companies as those mentioned, it could easily have been made a condition in the charter of each of them, as a consideration for the franchise granted, that free accommodation should be provided for all those classes of public officials who have become the standing beneficiaries of the system. That would have put the matter where it ought to be, upon a public and strictly business footing. The character of the transaction would have been a price openly paid for value received, instead of a gratuity conferred upon an influential public official, confidential, or semi-confidential in its character. It is not too late to require such a condition from every new company, and from every old company soliciting an additional franchise or privilege.

Be that as it may, the system will not bear investigation, is indefensible on principle, and demoralizing in tendency. The fact that so many great and good men, altogether above suspicion, influenced by custom, accept its benefits, rather enhances than mitigates the evil. It is their example which strengthens the position of another and perhaps not less numerous class of beneficiaries, who are neither great nor good, and who are not altogether above suspicion.

Power is always greedy of power, whether it be imbodied in a king, an absolute lord proprietary, an aristocracy, a revolutionary committee, the boss of a political machine, or the boss of an indus-

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trial monopoly. The insidious encroachments to be now looked out for are no longer such as those which exercised the good people of the Maryland province, or which aroused the thunders of the Declaration of Independence. The people have now to get their tyrants from a very different direction. The apt modern expressions invented to characterize this new despotism were altogether unknown to the vocabulary of the revolution. The boss, the ring, the machine, the syndicate, the trust, were not clearly foreshadowed even in the Federalist. In Washington's farewell address, his countrymen were solemnly warned against the dangerous excesses of sectional or party zeal, but it was not within his forecast that the day might come when the ostensibly rival leaders of contending parties would conspire together against the liberties of the people, and combine their machinery to crush reform. Nor did he foresee the day when a giant monoply using its enormous corruption fund to subsidize the machine of either party or of both parties, at its convenience, would by such means be emboldened to control Legislatures, elect Senators, command the Senate of the United States, and stifle all attempts at investigation.

The two negative characteristics of the Provincial Judiciary that have been referred to, their want both of professional training and of official independence, have left an affirmative stamp upon the organic law of Maryland in two well-known provisions respecting the qualifications of judges. (Decl. of Rights, Art. 33; Cons. Art. 14, Sec. 2.)

In like manner the provision in the Declaration of Rights (Art. 8) requiring the separation of the three departments of government, stands in sharp contrast with the fundamental policy of the provincial organism. Here we find a curious state of things, from the modern standpoint, powers legislative, executive and judicial confounded together and massed in the same man, or set of men.

The Governor and his Executive Council composed at the same time the Upper House of the General Assembly. They had in addition exclusive legislative power in certain cases. The Governor was at the same time Chief Justice and Chancellor as well as Lieutenant-General and Admiral. The members of the Council were at the same time judges of the Provincial Court, judges of the Court of Appeals, and in the infancy of the province, judges of the County Court of the oldest county. The Commissary General having under the name of the Prerogative Court, probate jurisdiction with the appointment of a deputy in each county, was usually a councillor. From the councillors were generally appointed the Court of Delegates, a special and occasional Appellate

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Court of Probate. From the councillors were also commissioned in part, although not exclusively, the special and temporary courts of assize, of oyer and terminer and general gaol delivery for the several counties. The judges of the land office, when that tribunal was established, were often also councillors. In fact, above the rank of justices of the peace and county commissioners who held the county courts, the whole body of the Provincial Judiciary served at the same time as legislators and executive counsellors.

Nor did this remarkable blending of powers stop here. The most important and lucrative fiscal and administrative functions were engrossed by the same body. They furnished the principal officeholders of the province. It was natural and it was customary that the Proprietor's relatives and friends should be provided for in this way. All officials were supported by fees. For instance, the chancellor's fee for sealing every decree was at one time fixed at two pounds currency, or four hundred and eighty pounds tobacco, and half as much for every injunction. The secretary who acted as registrar of the Court of Chancery, was allowed forty pounds tobacco for every bill filed, and as much "for every court the same shall continue," and so on. (Md. Arch., Assembly 1676, p. 532-534.)

The custom of the Proprietor to increase his revenue by exacting a bonus from the holders of lucrative offices, caused a constant tendency to the imposition of excessive fees along the whole line. This became a standing subject of complaint and of frequent struggle between the two houses. The Upper House composed of the beneficiaries of extortion, resisted as long as possible the efforts of the burgesses to accomplish the definite legal regulation of fees. When established by law, but exceeded in practice, appeals to the courts for redress often failed, from the fact that the judges were themselves either the offending parties, or else closely allied with them.

Another grievance was found in the stubborn resistance for some time interposed by the Upper House to attempts at limiting a pecuniary minimum to the jurisdiction of the Provincial Court, and conferring upon the County Courts an exclusive original jurisdiction in petty cases. It was naturally felt to be an altogether needless and oppressive hardship that in such small cases parties and witnesses should be compelled to travel long distances to obtain justice. But the Upper House was composed of the judges of the court whose emoluments were in question, and the self-interest of a privileged class for a long time prevailed over the public welfare.

These and similar causes of dissatisfaction and friction furnished an object lesson in the science of government which contributed

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more than the abstract speculations of Montesquieu to the establishment at the revolution of the wholesome principle which forbids the mischievous concentration in the same hands of powers in their nature distinct and independent.

They also furnish a practical commentary upon that provision in the Declaration of Rights (Art. 33) which forbids a judge from holding any other office or from receiving fees or perquisites.

It is as easy to trace these articles of the Declaration of Rights to the abuses mentioned, as it is to find in the peculiar Maryland prohibition of a poll-tax, (Art. 15) a direct origin in the exasperating provincial "forty per poll" levied for the support of the established church.

That these were serious defects in the scheme of government as practically worked out under the rule of the Proprietors, there can, of course, be no doubt. It was blemished by pluralism, by nepotism, by venality, by an undue susceptibility to influence in the administration of justice, by want of capacity in the judicial corps. These defects have received but scant notice from historians. They have been thrown into the shade by those far more familiar and fascinating features which have attracted so much admiring attention to early provincial Maryland as the cradle of religious liberty, and to later provincial Maryland as the nursery of civil liberty and of revolutionary heroes.

While, therefore, all proper weight is to be accorded to, and all necessary instruction derived from such criticism as may be well taken, no hasty judgment is to be pronounced upon the Proprietors. These faults were mainly those of the age, or those incident to the novel circumstances under which the experiment was made. The whole anomalous situation has been aptly summed up as an "aristocratic government overshadowing the sleeping germ of its democracy." (McSherry's Hist. of Md., 177.)

Candor compels the reluctant confession that the record of the Provincial Judiciary system, in one important detail, compares favorably with the practical administration of criminal justice in some parts of Maryland upon the eve of the twentieth century.

There were, it is true, shortly after the original settlement and before the regular tribunals were fairly in the saddle, some rather eccentric proceedings at old St. Mary's resulting in capital executions for piracy and murder. But these were conducted in solemn form before the Assembly of Freemen, constituting itself a court, *pro hac vice*, and had none of the revolting marks of tumultuous and irresponsible mob violence. It is also true that during the transition period of revolutionary overthrow of the provincial gov-

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ernment, there did occur fierce political outbreaks which ceased however with the re-establishment of law and order under the republic.

But of that lynch-law, which is another name for anarchy, the name itself was unknown, and to their credit be it said no recorded precedents are to be found defacing the provincial annals.

Wherever it is permitted to prevail, and however intense may be the provocation, lynch-law is in plain terms treason to self-government. It is a conscious reversion to barbarism. The community which tolerates it shows that fundamental weakness of character, want of self-control, and inability to resist a blind animal impulse, indicative of a certain degree of unfitness for the rational enjoyment of civil liberty.

To turn and trample upon your own laws, outrage your own courts, and abuse your own officers—that is lynch-law. Worse than that, you take the blackest-hearted and most fiendish of criminals, and in your foolish rage you elevate him to the dignity of a victim, identify his cause with the cause of law and order, and link his fate with that of justice itself.

The evil has already attained such proportions that to cope with it there is required a united and determined effort. What is wanted is the restoration of a sound and healthy public opinion. There is never any danger from a mob which does not feel itself backed up by public sentiment. Those to whom the public naturally look as the leaders of anti-lynch law re-action are the Bench and Bar of the State. Sworn, as we all are, to support the Constitution, and instructed as we are all supposed to be as to the fatal tendencies of any substantial departure from its fundamental principles, it is our duty to hold up the standard of law and order, and by voice and action, if necessary, to rally its friends around it in its time of peril.

Of this, no better illustration can be found than the conspicuous example set upon a recent painful occasion, in a neighboring county, by the chief judge of the judicial circuit within whose limits we happen to meet. Although overwhelmed by the brute force he sought almost single-handed to restrain, the brave and manly protest of Judge Page succeeded in then and there indeliby stamping upon lynch-law its true character, and has won for that fearless magistrate the approbation and gratitude of all thinking men.*

The provincial judges, if not lawyers, were, as a rule, at least men of worth and probity, of standing and substance, and of more or less liberal education. If they belonged to a privileged class,

*For original suggestions of much practical value in this connection, reference should be made to a noteworthy article, entitled "*The Remedy for Lynch Law*," by William Reynolds, Esq., of the Baltimore Bar, publlished in the *Yale Law Journal* for October, 1897; reprinted in the *Baltimore Daily Record*, October 26, 1897.

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they had at least the conscience, the generous impulses, and the self-respect of their class. We hear no charges of bald corruption even in the most excited manifestoes of insurrectionary violence. For one hundred and forty years, through stormy vicissitudes in state and church, the long procession of provincial judges moved on, dispensing justice to successive generations, if not with conspicuous learning and ability, at least with humanity, moderation, and good sense.

Their deficiency in technical knowledge was to a considerable extent supplemented by the efforts of the professional gentlemen who practiced before them, and who have left not only traditional but recorded evidence of their worthiness to head the long and illustrious line of the Maryland Bar. While the appointment of lay judges was the rule, the rule was not altogether without exceptions, as in the case of Lewger, Gerrard, Jenings, and of the two Dulanys, father and son. Such exceptional appointments have fortunately left a few brilliant names to illustrate the obscure annals of the Provincial Judiciary. If they handed down to the veneration of posterity no constellation of great names like those of Hale, Mansfield, Marshall, and Taney, the Maryland contemporaries of Scroggs and Jeffreys furnished at least no parallel to their bad fame. Their administration of individual justice appears to have been sufficiently impartial, and as between party and party they may be assumed to have poised the scales with an even hand.

Between those times and ours roll the red waves of revolution and civil war.

Abuses which then had their defenders and champions, abuses which flourished with a vigorous vitality that sometimes filled thoughtful minds with a great despair, have long since been reformed and utterly abolished. Even the memory of them is mouldering and would forever perish, but for the constitutional entrenchments thrown up against their return.

Even so the day will come when other abuses now in sight, the rank product of a complex civilization, will one by one disappear before the advancing forces of Reform. Let us hope that it will not be by more revolution and more blood, but by more education, more common sense, and by the accelerating momentum of a century of progress.

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LIST OF MEMBERS.

Adkins, W. H.	Easton,	1896
Ambler, James M.	207 N. Calvert st., Baltimore,	1897
Applegarth, Rufus W.	10 E. Lexington st., Baltimore,	1897
Armstrong, Alexander	Hagerstown,	1896
Baer, Thomas S.	Equitable Building, Baltimore,	1897
Barnes, Adlai P.	Snow Hill,	1896
Barroll, Hope H.	Chestertown,	1896
Bateman, J. F.	Easton,	1896
Bernard, Richard	1 E. Lexington st., Baltimore,	1897
Bernard, Alfred D.	1 E. Lexington st., Baltimore,	1897
Blakistone, D. J.	Cumberland,	1896
Biddison, John S.	Towson,	1897
Boarman, R. R.	Towson,	1897
Bond, Nicholas P.	Equitable Building, Baltimore,	1896
Bond, J. A. C.	Westminster,	1896
Bordley, Madison B.	Centreville,	1896
Bouic, W. Viers, Jr.	Rockville,	1896
Boyd, A. Hunter	Cumberland,	1896
Brantly, Wm. T.	12 St. Paul st., Baltimore,	1897
Brinton, Dan'l L.	312 Law Building, Baltimore,	1897
Briscoe, John P.	Prince Frederick,	1896
Brown, Stewart	222 St. Paul st., Baltimore,	1896
Brown, Arthur George	222 St. Paul st., Baltimore,	1897
Brune, W. H.	Equitable Building, Baltimore,	1897
Brune, F. W.	222 St. Paul st., Baltimore,	1897
Budnitz, Emil	20 E. Lexington st., Baltimore,	1897
Bayless, W. H.	Daily Record Bldg., Baltimore,	1897
Broening, Henry J.	230 St. Paul st., Baltimore,	1897
Brent, Robert F.	104 E. Lexington st., Baltimore,	1897
Beck, Wm. W.	Chestertown,	1897
Bunting, J. Briscoe	Prince Frederick,	1896
Bernei, Louis B.	310 Herald Building, Baltimore,	1897
Campbell, Peter J.	20 E. Lexington st., Baltimore,	1896
Carey, Francis King	Equitable Building, Baltimore,	1896
Carrington, Edw. C.	110 E. Lexington st., Baltimore,	1897
Chancellor, A. Bernard	108 E. Lexington st., Baltimore,	1897

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Chew, Philip W.	Upper Marlboro,	1896
Clabaugh, Harry M.	Westminster,	1896
Cohen, Jacob I.	Merchants Bank Bldg., Baltimore,	1897
Collins, Oliver D.	Snow Hill,	1897
Cross, Richard K.	Glenn Building, Baltimore,	1897
Cross, E. J. D.	B. & O. Central Bldg., Baltimore,	1897
Covington, Geo. W.	Snow Hill,	1897
Covington, Jas. H.	Easton,	1897
Cross, W. Irvine	B. & O. Central Bldg., Baltimore,	1897
Dawkins, Walter I.	Fidelity Building, Baltimore,	1896
Dawson, W. H.	33 S. Gay st., Baltimore,	1897
Denmead, Adam	102 E. Lexington st., Baltimore,	1897
Devecmon, W. C.	Cumberland,	1896
Deweese, Wm. H.	Denton,	1897
Dickerson, Wm. T.	Snow Hill,	1896
Dobler, J. J.	Baltimore,	1897
Donaldson, John J.	220 St. Paul st., Baltimore,	1897
Doub, A. A.	Cumberland,	1896
Duffy, Edward	Equitable Building, Baltimore,	1897
Doub, Dan'l W.	Hagerstown,	1896
Denny, James W.	209 St. Paul st., Baltimore,	1897
Duer, Robert F.	Salisbury,	1897
Dennis, J. Upshur	Baltimore,	1897
Ellegood, Jas. E.	Salisbury,	1896
Eichelberger, Edw. S.	Frederick,	1896
Eichelberger, Edw. C.	114 E. Lexington st., Baltimore,	1897
Elliott, Thos. Ireland	Equitable Building, Baltimore,	1897
Fink, Chas. E.	Westminster,	1896
Fisher, T. Pliny	Denton,	1896
Fisher, D. K. Este	Equitable Building, Baltimore,	1897
Forbes, George	Annapolis,	1896
Fisher, Wm. A.	Equitable Building, Baltimore,	1897
France, Jos. C.	1 St. Paul st., Baltimore,	1897
Fowler, David	Towson,	1897
Gans, Edgar H.	Equitable Building, Baltimore,	1897
Gibson, Edw. Guest	Law Building, Baltimore,	1897
Gontrum, John F.	Towson,	1897
Gordon, Robert H.	Cumberland,	1896
Gorter, James P.	Equitable Building, Baltimore,	1896
Gosnell, Frank	102 E. Lexington st., Baltimore,	1896
Graham, Robert P.	Salisbury,	1896
Goldsborough, Ph Lee	Cambridge,	1897
Gregg, Maurice	14 E. Lexington st., Baltimore,	1896
Gray, John B.	Prince Frederick,	1896

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Griffin, E. J.	1704 Eastern ave., Baltimore,	1897
Higgins, Edwin	218 E. German st., Baltimore,	1897
Haines, L. M.	Elkton,	1896
Hamill, Gilmor S.	Oakland,	1897
Harlan, Henry D.	9 W. Biddle st., Baltimore,	1897
Hayes, Thos. G.	Equitable Building, Baltimore,	1897
Hinkley, John	215 N. Charles st., Baltimore,	1896
Henning, David N.	Westminster,	1896
Henderson, Robert R.	Cumberland,	1896
Hinks, Wm. H.	Frederick,	1897
Hiskey, T. Foley	215 N. Charles st., Baltimore,	1897
Hodson, Thomas S.	6 E. Lexington st., Baltimore,	1897
Holland, Chas. F.	Salisbury	1897
Howard, Chas. Morris	Equitable Building, Baltimore,	1897
Hughes, Adrian,	301 St. Paul st., Baltimore,	1897
Henninghausen, Percy C.	215 St. Paul st., Baltimore,	1897
Herzog, Chas.	110 E. Lexington st., Baltimore,	1897
Harley, Chas. F.	210 E. Lexington St., Baltimore,	1897
Houlton, Samuel C.	24 E. Lexington st., Baltimore,	1897
Hynson, R. D.	Chestertown,	1897
Hawkins, G. S.		1896
Johnson, Baker	Frederick,	1896
Johnson, Reverdy	Bank of Balto. Bldg., Baltimore,	1896
Johnson, Wm. F.	Snow Hill,	1897
Jones, R. D.	Snow Hill	1897
Jones, E. T.	Fidelity Building, Baltimore,	1897
Keating, Thos. J., Jr.	Centreville,	1896
Keedy, M. L.	Hagerstown,	1896
Keedy, J. M.	Hagerstown,	1896
Knott, A. Leo	1 E. Lexington st., Baltimore,	1897
Kealhofer, Wm.	Hagerstown,	1897
Lane, J. Clarence,	Hagerstown,	1896
Lankford, Clarence P.	Crisfield,	1896
Lawrence, J. M. T.	Towson,	1897
Lee, Richard Laws	232 St. Paul st., Baltimore,	1897
Legg, J. H. C.	Centreville,	1897
Lehmayer, Martin	Herald Building, Baltimore,	1897
Lewis, Henry R.	Denton,	1896
Lindsay, James J.	Towson,	1896
Little, C. A.	Hagerstown,	1896
Lloyd, Henry	Cambridge,	1897
Loweree, George E.	Laurel,	1896
Lynch, John A.	Frederick,	1897
Lowndes, Lloyd	Cumberland,	1897

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Lankford, H. Fillmore	Princess Anne,	1897
Loney, Henry D.	18 E. Lexington st., Baltimore,	1897
Leist, Frederic	Baltimore,	1897
Lee, John L. G.	Bel Air,	1897
Mackenzie, Geo. Norbury	Equitable Building, Baltimore,	1897
Magruder, C. C.	Upper Marlboro,	1896
Marbury, Wm. L.	Equitable Building, Baltimore,	1897
Martin, Wm. R.	Easton,	1896
Maulsby, Wm. P.	Frederick,	1896
Maynadier, Geo. Y.	Bel Air,	1896
Miles, Alonzo L.	Cambridge,	1897
Mitchell, John H.	La Plata,	1896
Motter, John C.	Frederick,	1897
McComas, F. F.	Hagerstown,	1896
McHenry, James A.	Cumberland,	1897
McSherry, R. M.	14 E. Lexington st., Baltimore,	1897
McSherry, J. Roger	Frederick,	1897
McSherry, James	Frederick,	1896
Morris, Thos. J.	Baltimore,	1897
Miles, Joshua W.	Princess Anne,	1897
Mackall, Thos. B.	222 St. Paul st., Baltimore,	1897
Mullin, Michael A.	Fidelity Building, Baltimore,	1897
Mann, Harry E.	102 E. Lexington st., Baltimore,	1897
McMaster, W. S.	Princess Anne,	1897
Mullikin, Clayland	Easton,	1897
McComas, L. E.	Washington, D. C.	1897
Mason, John T., R.	200 E. Lexington st., Baltimore,	1897
Neill, Alexander	Hagerstown,	1896
Norwood, Frank C.	Frederick,	1897
Niles, Alfred S.	Herald Building, Baltimore,	1897
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O'Brien, Wm. J., Jr.	Fidelity Building, Baltimore,	1897
Packard, Jos., Jr.	207 N. Calvert st., Baltimore,	1897
Page, Henry	Princess Anne,	1896
Pearce, James A.	Chestertown,	1896
Phelps, Chas. E.	Walbrook ave., Baltimore,	1897
Poe, John P.	100 E. Lexington st., Baltimore,	1896
Purnell, Clayton	Frostburg,	1896
Purnell, Geo. W.	Snow Hill,	1896
Pattison, John R.	Cambridge,	1897
Reese, D. Meredith	10 E. Lexington st., Baltimore,	1897
Reifsneider, Chas. T.	Westminster,	1896
Requardt, J. Fred	Equitable Building, Baltimore,	1897
Reynolds, DeWarren H.	Cumberland,	1896

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Richmond, Benj. A.	Cumberland,	1896
Riggs, Lawrason,	Equitable Building, Baltimore,	1896
Riley, Elihu S.	Annapolis,	1896
Robertson, Alex. H.	Equitable Building, Baltimore,	1896
Robinson, Ralph	Equitable Building, Baltimore,	1896
Robinson, Thos. H.	Bel Air	1896
Rose, John C.	Equitable Building, Baltimore,	1897
Ross, Chas. W.	Frederick,	1897
Rouse, Willard G.	Bel Air	1896
Rhodes, Frank V.	Fidelity Building, Baltimore,	1897
Russum, Geo. M.	Denton,	1897
Ralston, Jackson H.	Washington, D. C.	1896
Sadtler, Howard P.	Fidelity Building, Baltimore,	1897
Sams, Conway W.	Bank of Balto. Bldg., Baltimore,	1896
Sappington, A. De R.	Fidelity Building, Baltimore,	1897
Savage, George	Law Building, Baltimore,	1897
Schmucker, Samuel D.	Fidelity Building, Baltimore,	1897
Schley, W. Buchanan	Hagerstown,	1896
Scott, Norman B., Jr.	Hagerstown,	1896
Simmons, Thos. W.	Cambridge,	1897
Skinner, Maurice E.	Equitable Building, Baltimore,	1897
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Smith, Geo. W., Jr.	Hagerstown,	1896
Smith, Robert H.	Equitable Building, Baltimore,	1897
Spamer, C. A. E.	215 N. Charles st., Baltimore,	1897
Stanford, H. L. D.	Princess Anne,	1896
Stanley, Chas. H.	Equitable Building, Baltimore,	1897
Stevens, Francis P.	Herald Building, Baltimore,	1897
Stewart, David	213 St. Paul st., Baltimore,	1897
Strite, A. C.	Hagerstown,	1896
Stockbridge, Henry	11 N. Calhoun st., Baltimore,	1897
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Story, Fred. W.	Builders' Exchange, Baltimore,	1897
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Sharp, Geo. M.	12 E. Lexington st., Baltimore,	1896
Sadtler, Chas. H.	215 N. Charles st., Baltimore,	1897
Talbott, Wm. H.	Rockville,	1896
Thomas, Geo. L.	12 St. Paul st., Baltimore,	1897
Tiernan, Chas. B.	11 E. Lexington st., Baltimore,	1897

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Trundle, W. Burns	301 St. Paul st., Baltimore,	1897
Tyson, A. Morris	207 N. Calvert st., Baltimore,	1897
Thomas, Jas. W.	Cumberland,	1897
Taylor, Calvin B.	Berlin,	1897
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Urner, Milton G.	Frederick,	1897
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Walter, M. R.	Herald Building, Baltimore,	1897
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Wilmer, Skipwith	207 N. Calvert st., Baltimore,	1897
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Wilson, Wm. S.	Snow Hill,	1897
Wirt, John S.	Elkton,	1896
Witzenbacker, Wm. J.	Hagerstown,	1896
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Willis, Geo. R.	213 Courtland st., Baltimore,	1897
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